

**IDEOLOGICAL DIFFERENCES BETWEEN WHIGS,
REPUBLICANS AND DEMOCRATS IN IOWA,
1838-1860: REAL OR ILLUSORY?**

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July, 1976
Drake University
Advisor: Charles A. Nelson

The author of this thesis has been interested in the
ideological differences between the Whig, Republican and
Democratic parties of the Antebellum period. This thesis
examines the ideological differences between the Whig, Republican
and Democratic parties of the Antebellum period. This is
a thesis in the history of ideas.

A Thesis

Presented to

The School of Graduate Studies

Drake University

**In Partial Fulfillment
of the Requirements for the Degree
Master of Arts**

by

Robert H. Cook

July 1976

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The problem. There has long been historical controversy surrounding political parties of the Jacksonian period. This thesis focuses on Iowa's political parties in the legislative process to determine whether there is ideological consensus or conflict on selected issues in the period from 1838 to 1860.

Procedure. Issues of political interest were selected: banking, slavery, the Mexican War, the Compromise of 1850, the return of Jackson's fine and the dispute in Kansas. The thesis followed these issues through the legislative sessions 1838-1860. A study of voting behavior on the issues was compiled as indices of consensus or conflict.

Findings. The voting behavior indicated considerable conflict in the areas of banking, the Mexican War, the Compromise of 1850, the Kansas dispute and the return of Jackson's fine; however, in the area of internal improvements, the parties found substantial common ground.

Conclusions. The voting record on these issues appear to show that in areas of emotional intensity, slavery, the Mexican War, and banks, as well as in areas marked specifically for party loyalty, such as the return of Jackson's fine, party lines were clearly defined. Areas less traumatized by party rhetoric have a consensus based on sectional or county advantage. Overall parties do appear to be ideologically based and in conflict.

Recommendations. Additional study of political parties could be profitably taken on issues such as the constitutional conventions, Indians, land policy, schools and the Des Moines River Improvement Commission. Additional scalograms could be compiled in several of these areas. A follow up on election statistics and individual members within party ranks would also be profitable.

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TABLE OF CONTENTS

	PAGE
PREFACE	vi
Chapter	
1. THE BANKING ISSUE	1
2. THE BLACK EXPERIENCE IN IOWA	24
3. IOWA'S RESPONSE TO THE BLACK ON NATIONAL ISSUES	46
4. CORRELATIVE NATIONAL POLITICAL ISSUES	74
5. CONCLUSIONS	89
BIBLIOGRAPHY	91
APPENDIX	101

LIST OF TABLES

Table	Page
1. Senate Vote on S.F. 61 Instructing Representatives and Senators on Prohibiting Introduction of Slavery in the Territories 1849	103
2. House Vote on S.F. 61 Instructing Representatives and Senators on Prohibiting Introduction of Slavery in the Territories 1849	106
3. Vote in the House on "A Bill to Prohibit the Immigration of Free Negroes into this State, 1851"	109
4. Vote in the Senate on "A Bill to Prohibit the Immigration of Free Negroes into the State, 1851"	113
5. Vote in the Senate on S.F. 20 Allowing Negroes to Give Evidence in Trials Involving Whites, 1856-1857	115
6. Miners' Bank Charter Repeal Scale, Iowa Territory, House of Representatives, 1843-1844	117
7. Miners' Bank Charter Repeal Scale, Iowa Territory, Council, 1843-1844	121

LIST OF MAPS

Map	Page
1. Map Showing the Geographical Distribution of Voting in the Council on H.R. 97, a Bill to Regulate Blacks and Mulattos	102
2. Map Showing the Geographical Distribution of the Vote in the Iowa Senate on S.F. 61	105
3. Map Showing the Geographical Distribution of the Vote in the Iowa House on S.F. 61	108
4. Map Showing the Geographical Distribution of the Vote in the House on the Bill to Prohibit the Immigration of Free Negroes into this State, 1851	112
5. Map Showing the Geographical Distribution of the Vote in the Iowa Senate on the Bill to Prohibit the Immigration of Free Negroes into this State, 1851	114

PREFACE

The concept of "Jacksonian Democracy" remains for the student of American history a continuing puzzle. Most Jacksonian scholars use the term to describe a political movement during the period, 1815-1840. It is generally agreed that "Jacksonian Democracy" was a sprawling, diverse, and many-sided movement. But agreement ends when discussions of its nature, purposes, and objectives are raised. Recent political historians of the Jacksonian era have attempted to solve the puzzle by analyzing the two-party system that emerged during the period. Their specific question has been whether the struggle between Democrats and their opponents, the Whigs, reflected an ideological cleavage between "liberal" and "conservative" forces or simply a contest between "electoral machines" both of which shared an ideological consensus.

One view that has long been held is the view that there existed a distinct cleavage between Democrats and Whigs along "liberal" versus "conservative" lines. More recently, it has been argued that the political confrontation between Democrats and Whigs amounted to nothing more than the nomination and election of rival candidates to office. According to this view, ideology was not clearly defined by either of the major parties; both were simply "electoral machines."

A sectional interpretation of Jacksonian politics

has found favor with a number of historians. Eastern, Southern and Western interpretations of the Jacksonian struggles have all been voiced. The sectional explanation of Jacksonian politics, however, has failed to provide a satisfactory analysis of the sources and nature of party identification in the second quarter of the 19th century.

In the past few years a new generation of Jacksonian scholars has sought to identify "conflict or consensus" in the Jacksonian era by quantitative studies of politics at the state level. Works that examine the voting behavior of Democrat and Whig legislators in various states during the era and ones that analyze the voting behavior of state representatives in the national congress have both been done. These works are instructive and have provided insights for the present study.

This paper will focus on Iowa as a test case in the analysis of political behavior by the major parties in territorial and early state history. Rather than dealing with the generic, this study will emphasize specific political issues of the period for the purpose of identifying "consensus or conflict" between Democrats and Whigs in Iowa.

The specific political issues examined in this paper will be: (1) the banking question; (2) local issues concerning Blacks in Iowa; (3) national issues concerning Negroes and slavery; and (4) selected issues that generated intense partisanship, such as the question of Jackson's fine,

the Mexican War and the Compromise of 1850. By determining the degree of partisanship and the characteristics of party loyalty on these issues in the territorial and state legislatures in Iowa from 1838 to 1860, it is hoped our understanding of the nature of the two-party system during the Jacksonian era will be enhanced.

The research for this paper has been conducted at the Cowles Library at Drake University and at the State Department of History and Archives in Des Moines, Iowa. Data on voting behavior is derived from an examination of the legislative journals of the territorial and state legislatures.

Chapter 1

THE BANKING ISSUE

From the time of its organization as a territory in 1838 until the adoption of the Constitution of 1857, Iowa was the battleground of intense political warfare over the issue of banks and banking. The banking question had provoked a national political debate between Jacksonian Democrats and National Republicans after President Jackson vetoed the bill to recharter the Second Bank of the United States in 1832. During the next few years Democrats were to adopt a strong anti-bank position based on the premise that a centralized national bank threatened the liberties of the people. The Whig party, organized in 1834 by a coalition of anti-Jackson elements, was the political home for "pro-Bank" sentiment in the nation. After the organization of the Territory of Iowa in 1838, the issue of banking emerged as an important political question upon which local politicians would disagree.

Only one banking institution--the Miners Bank of Dubuque--existed in the new territory. In one of its first actions, the territorial legislature passed a resolution to send a joint committee to continue an investigation of the Dubuque bank begun earlier by the territorial legislature of Wisconsin. The committee of three were all Democrats, and two were from the Dubuque area. The committee, after what

it called a "full and fair investigation of its liabilities and resources...were...constrained to believe that the Miners Bank of Dubuque, is in a safe and solvent condition...."¹

Given the dominance of Jacksonian Democrats in the new Territory of Iowa and the depressed economic conditions following the Panic of 1837, there was a prevailing hostility toward banks. Although the Miners Bank of Dubuque survived the challenge of 1838, it would confront new threats from the territorial legislature. The anti-bank sentiments of the legislature were clearly revealed early in 1839 when Thomas Cox, a Democrat representing Charleston and Jackson counties, presented a petition from citizens of that area asking for the establishment of a bank. The petition was referred to the committee on corporations. Chauncey Swan, Democratic representative from Jackson county and a member of the committee, gave the following response to the petition on behalf of the committee:

...it is inexpedient to grant said charter; and your committee would further report, that in the opinion of the committee a charter at this time with banking privileges would be not only inexpedient but impolitic and uncalled² for by the citizens of the Territory of Iowa.

¹Iowa, Legislature, Council, Journal of the Council of the First Legislative Assembly of the Territory of Iowa, December 17, 1838 (Dubuque: Russell and Reeves, 1839), p. 98. (hereafter referred to as 1st JCT.)

²Iowa, Legislature, House, Journal of the House of Representatives of the First Legislative Assembly of the

In this first legislative session of the Territory of Iowa most legislators, regardless of party label, demonstrated suspicion of banks of issue. This attitude was in large part a reflection of great concern over the depression then gripping the country. Banks were frequently blamed for the financial distress. The fraudulent activities of "wild-cat banks," the wholesale suspension of specie payments by banking institutions and numerous bank closings combined to create hostility toward banks.

The banking issue became a subject of intense debate during the fourth legislative assembly (1842). The year before the Miners Bank of Dubuque had suspended specie payments. In a flurry of activity beginning late in January of 1842, House and Council resolutions and joint resolutions were introduced and then reduced to impalpability through the amendment process. The Miners Bank of Dubuque was the focus of most of this legislative debate. The Whigs began clearly to take a sympathetic attitude toward the Dubuque bank while the Democrats showed increasing opposition, although within the Democratic party there appeared a group of "Bank Democrats" who sided with the Whigs on banking questions.

On January 21, 1842, a resolution calling for a new investigation of the Miners Bank of Dubuque easily passed the

Territory of Iowa, January 3, 1839 (Burlington: Clarke and McKenny, Printers, 1839), p. 172. (Hereafter referred to as 1st JHT.)

Council, then composed of a majority of Democrats.¹ The resolution moved fairly easily through the first and second readings in the House, but on the attempt to execute a third reading on the same day, which required a suspension of the rules and a two-thirds vote rather than a simple majority, the call for third reading failed sixteen to nine.² The House finally approved a motion to set third reading for February 18, 1842, the date scheduled for adjournment. The bill died.

Another assault upon the Miners Bank came on January 31, 1842, when resolutions to compel the Miners Bank to resume specie payments were introduced in the House by John M. Whitaker and in the Council by Shepher Leffler, both Democrats. In the House resolution the date first stipulated for required resumption was March 1. Thomas Baker, a Democrat, moved to amend by inserting August 1. This amendment passed thirteen to ten, and all ten who voted against the change were Democrats while eight of those who supported

¹Iowa, Legislature, Council, Journal of the Council of the Fourth Legislative Assembly of the Territory of Iowa, January 21, 1842 (Bloomington: Jno. B. Russell, 1842), p. 100. (Hereafter referred to as 4th TCJ.)

²Iowa, Legislature, House, Journal of the House of Representatives of the Fourth Legislative Assembly of the Territory of Iowa, January 22, 1842 (Iowa City: Van Antwerp and Hughes, 1842), p. 143. (Hereafter referred to as 4th THJ.)

the change were Whigs.¹

Two different versions of legislation requiring the Miners Bank of Dubuque to resume specie payments passed in the Council and the House. In the House, H.R. 79 passed third reading fifteen to eleven, with ten Whigs in favor and none against.² On the same day, February 2, 1842, a Council bill passed by a vote of seven to six, with one Whig and six Democrats in favor and four Whigs and two Democrats opposed.³ The only substantial difference between the bills was that the Council version contained a clause stipulating that "...nothing in this act shall be so construed as to legalize the suspension of specie payments, or any other violation or abuse of the charter of said bank." Although this provision won bi-partisan support, the Whigs and Democrats split on an amendment offered by Mr. Coop, a Democrat. Coop's amendment added to the Council bill the provision that "...anyone in debt to the bank need not pay anything on their debt..." until the bank resumed specie payments. The Council approved that amendment by a vote of seven to six; Democrats voted in favor while Whigs opposed. The bill on final reading had its title enlarged to: "A

¹4th THJ, January 31, 1842, p. 177.

²4th THJ, February 2, 1842, p. 190.

³4th TCJ, February 2, 1842, p. 143.

Bill requiring the Miners Bank of Dubuque to resume and continue specie payment and for the relief of the debtors of the bank within the territory."¹ On receiving the Council bill, the House moved it to the table on a vote of sixteen to seven, all ten Whigs voting for the tabling motion.²

This activity in the fourth territorial legislature came to nothing. Although majorities in both houses favored bills to force the Miners Bank of Dubuque to resume specie payments, differences in the type of bill passed in each house stalled action and both bills died.

Beginning in the fifth territorial legislature, the House, at least, began to heat up the debate on the Miners Bank. Thomas Rogers, Democrat from Dubuque, gave notice on December 7, 1842, of his intention to introduce a bill for winding up the affairs of the Miners Bank. On January 2, 1843, he introduced H.R. 23: "A bill to repeal the charter of the Miners Bank of Dubuque and to provide for the winding up of the affairs of the same." After some posturing in the House, with Whigs moving the bill to the table until a specific date and Democrats trying to have the bill laid on the table subject to call, or to have it referred to the judiciary committee instead, a committee of investigation

¹4th TCJ, February 3, 1842, p. 154.

²4th THJ, February 11, 1842, p. 236.

was created in the House. The Committee was to consist of one member from each electoral district; this was accepted and the political composition of the committee was three Whigs and six Democrats.¹

Rogers moved on January 9, 1843, that the special committee be instructed to report the following day, but this was changed by amendment to Saturday, which was four days away. In moves for extended time the Whigs in the House were uniformly in support.²

The special committee of investigation produced both a majority report and a minority report. The former, supported by five Democrats on the committee, reported the bill back without amendment and recommended passage. In that report three principal reasons were given for closing the Miners Bank of Dubuque: (1) The bank had started business before the required capital stock had been paid in; (2) the directors in reality owned no stock but were only holding stock given to them to make them eligible to serve as directors; and (3) the greatest reason, however, was "...its entire suspension of specie payments." The majority report

¹Iowa, Legislature, House, Journal of the House of Representatives of the Fifth Legislative Assembly of the Territory of Iowa, December 12, 1842 and January 2, 3, 7, 1843 (Iowa City: William Crum, 1843), pp. 12, 69, 71, 86-87. (Hereafter referred to as 5th THJ.)

²5th THJ, January 9, 10, 1843, pp. 88-89, 93.

concluded:

And taking into consideration the monstrous abuse which have already been committed by this corrupt institution, together with the injury it may yet inflict, if not deprived of all appearance of corporate vitality, your committee would again recommend to the House the immediate passage of the bill referred to them, which provides for the unconditional repeal of the charter of said bank, and for the winding up the affairs of the same.¹

The minority report represented the views of the three Whigs on the committee and one dissident Democrat who felt he could not agree with the majority report without amendment. The substance of the minority report was that in closing up the bank there would be no way for the creditors to get back their money. The minority report also rejected the method proposed for having the third district judge oversee the disbursements as being "...opposed to the principal of concentrating powers in the hands of any individual, unguarded by proper checks to its abuse." Whig supporters of the minority report were also of the opinion that in closing the bank there would be a total disregard for the losses to stockholders, billholders, and creditors of the bank. Yet the minority report concluded with the plea that a proper bill for winding up and closing the Miners Bank should be introduced on the grounds that:

...all Banks which do not at all times and under all circumstances, pay specie for all their

¹5th THJ, January 23, 1843, pp. 150-156.

liabilities are unsafe and dangerous to the best interests of the community....¹

There seemed to be no question about closing the bank; it was rather a question of the methods to be used and seemingly who would get the credit for it.

In the amending that took place on the floor, there were only two partisan moves. One was to have the district judge responsible for the appointment of two trustees who would be given authority to sue to recover debts. This proposal by the Whigs lost eleven to fourteen with nine Whigs voting for passage and only one against. The second was an amendment presented by George Walworth, a Whig: "...that no advantage shall be taken by the debtors of said bank by reason of the bank having at any time failed to comply with the provisions of its charter."² This proposal lost twelve to thirteen, with nine Whigs voting for and one against.

The vote on engrossment and second reading was, however, twenty-five to nothing in the House--the same as the final vote on the bill taken on January 25, 1843. The Miners Bank had no defenders left in the House. The vote in the House, while it was certainly a dramatic statement of unanimous support for the winding up of the Miners Bank, carried little weight as it never passed through the

¹5th THJ, January 24, 1843, pp.164-170.

²5th THJ, January 24, 1843, p. 169.

Council.¹

In the Council, the Judiciary committee had the bill for study and Francis Springer reported it with the committee recommendation that it not pass on February 16, 1843. Thomas Cox, a Democrat of Dubuque, ordered the bill to the table until the next day when it was moved from the table on the last day of the session along with the Judiciary committee report recommending its defeat. The bill lost on a five to seven vote; all six Whigs voted against the bill and five Democrats voted for the passage. Only Thomas Cox of Dubuque joined with the Whigs to vote against the bill.²

Running almost concurrently with the bill to close up the Miners Bank was a resolution adopted in the House for a committee of investigation to look into the allegations made by Jesse Williams, former territorial agent, and his partner, Thomas Hughes, who were now the publishers of the Iowa Capitol Reporter. George Walworth, a Whig, had offered a resolution to investigate the report, "...charging members of this legislature with having been influenced in their legislative action upon a bill now pending for the repeal of

¹5th THJ, January 25, 1843, p. 173.

²Iowa, Legislature, Council, Journal of the Council of the Fifth Legislative Assembly of the Territory of Iowa, February 16-17, 1843 (Davenport: Alfred Sanders, 1843), pp. 182-183. (Hereafter referred to as 5th TCJ.)

the charter of said bank."¹

The resolution was adopted twenty-two to three. The chair appointed a committee of five, George Walworth, David Bunker and Joseph Newell, Whigs, and Henry Felkner and George Hepner, Democrats. In the House there were fifteen Democrats and eleven Whigs, and the chairman doing the appointing was James M. Morgan, a Democrat. The make-up of the committee is interesting. This was not a joint committee of investigation, but one composed entirely of House members, though in the course of their investigation they studied the names of Council members that came up as well. The reports were considered to be serious since the author of the report, Jesse Williams, had been responsible for the negotiations for a loan secured by the legislature from the Miners Bank for the construction of the capitol. One of the principal names under investigation was that of the Speaker of the House, James M. Morgan, who in the fourth legislative session had made a dramatic plea against the bill to force resumption.²

On February 1, 1843, the committee concluded their investigation and reported,

¹5th THJ, January 23, 1843, pp. 148-149.

²Ibid.

Resolved, that we regard the charge contained in the Iowa Capitol Reporter of the 21st instant, implicating members with having been influenced in their legislative actions by promise of personal reward and private advantage, as utterly untrue and highly reprehensible in its character, and therefore we deem the¹ editors justly deserving the censure of the House.

On the motion of George Hepner, a member of the investigating committee, the censure resolution was laid on the table and was dead for the session.²

Having failed to destroy the Miners Bank in the two previous sessions, anti-bank forces in the territorial legislature renewed the attack on the sixth session. The House, with a preponderance of Democratic members took up H.R. 1 as an immediate order of business: "A Bill to repeal the Charter of the Miners Bank of Dubuque, and to provide for the winding up the affairs of the same." The first reading in the House was on December 6, 1843, with the second reading following closely on December 9. James Grimes, a Whig at that time, moved to have the bill referred to the committee on the Judiciary, but a counter motion to refer the bill to the whole house on the following Monday was made by Thomas Rogers, Democrat, and was passed 18 to 7 with all those opposed being Whigs. On Monday a Democrat, Abner Hackleman, moved to postpone until Friday; this was accepted

¹5th THJ, February 1, 1843, pp. 209-221.

²Ibid.

by the House. After a debate by the whole House on Friday, Thomas Rogers moved to have the bill engrossed and advanced to third reading; however, Hardin Nowlin, a Democrat representing Dubuque, Delaware and Clayton counties, moved that the bill be laid on the table until January 2, 1844, awaiting the receipt of memorials to be passed in several counties, Dubuque among them, with regard to banks. This proposal was accepted by a narrow margin of 13 to 12. All seven Whigs in the House voted in favor of the wait.¹

After more postponements the bill was finally taken up again on January 11, 1844. On the twelfth of January an amendment was offered by a Democrat, John Johnson of Des Moines County, to the effect that "...if the bank...refuses to redeem in legal coin of the United States...the person...may proceed against, and collect the same out of the private property of the stockholders...." This motion was supported by seven Whigs and only one Democrat, the sponsor. Clearly the Whigs voted for this amendment only in an effort to make the bill more objectionable to the House. After the failure of this amendment, the bill passed eighteen to seven. The seven in opposition were all Whigs.²

¹Iowa, Legislature, House, Journal of the House of Representatives of the Sixth Legislative Assembly of the Territory of Iowa, December 6, 9, and 15, 1843 (Dubuque: Wilson and Keesecker, Printers, 1844), pp. 8, 19, 28. (Hereafter referred to as 6th THJ.)

²6th THJ, January 12, 1844, pp. 79, 84-85.

The Council had a slim majority of one in favor of the Whigs, seven to six. This majority was created through the switch of party affiliation by William Patterson; in the fifth Council he stood as a Democrat but declared himself a Whig in the next Council. The Whigs on the Council effectively stalled repeal of the charter of the Miners Bank of Dubuque. Some Whigs wanted to keep the bank in operation. Others conceded the bank's charter deserved to be repealed, but objected to the method used by the Democrats. The latter viewpoint was well-expressed by the Iowa City Standard: "To execute a corporation without legal and open arraignment is just as bad in principle as to execute a human being in the same manner."¹

The Whig majority on the Council so neutralized the charter repeal by amendments that when the bill finally passed third reading by a vote of ten to three, Mr. Leffler, a Democrat, moved to change the bill's title to "A Bill to legalize the suspension and to resuscitate the Miners Bank of Dubuque." This lost by the same ten to three vote.²

By January 24, 1844, since the House could not agree

¹ Erling Erickson, Banking in Frontier Iowa, 1836-1865 (Ames, Iowa: Iowa State University Press, 1971), p. 147.

² Iowa, Legislature, Council, Journal of the Council of the Sixth General Assembly of the Territory of Iowa, January 16-17, 20, 1844 (Burlington: James G. Edwards, 1844), pp. 77, 80-81, 95. (Hereafter cited as 6th TCJ.)

to the Council's amendments, the bill was moved to the table until July 4. This meant that the bill was dead. Despite the fact that legislation to close up the Miners Bank was defeated by the amendments of the Whig-controlled Council, another bill passed in the House calling for the sale of lots in Iowa City to pay debts owed to the Miners Bank by the territorial legislature.¹

There were numerous petitions received in the House calling for revocation of the Bank's charter. An example of the vitriolic nature of the petitions was displayed in the petition presented by 466 citizens of Des Moines County: "...opposed to the effort now making to revive that exploded and swindling institution the Dubuque Bank...."²

Here again, in a third effort of significant proportions, the Iowa Territorial Legislature was unable to take a decisive stand with regard to banking in Iowa, which in effect at this time meant the Miners Bank of Dubuque.

The seventh territorial legislature contained a clear majority of Democrats in both Houses. The Council, which had a Whig majority of one in the sixth legislature, now only had two Whig members, neither of whom had ever served in the legislature before.

¹6th TCJ, January 24, February 13, 1844, pp. 103, 244.

²6th THJ, January 29, 1844, p. 150.

On May 7, 1845, David S. Wilson, Democrat of Dubuque, introduced H.R. 2, "A Bill to repeal the Charter of the Miners Bank of Dubuque, and to provide for the winding up the affairs of the same." The bill passed the first reading on May 8, a second reading and referral to the whole House on May 9, and after amendment on May 12, Mr. Wilson asked for a suspension of the rules and third reading was unanimous for passage.¹

In the Council the same procedure was called for and approved, but there was still a hold out of one Whig, Enoch Ross; his was the only vote against passage. After passage by both houses of the territorial legislature, H.R. 2 was sent to the governor, John Chambers. He was a Whig and decided to return the bill to the legislature without his signature. But, according to the organic law of the territory, the act became law without his signature.² (See Tables 6 and 7.)

In his recent study of banking in frontier Iowa, Erling Erickson employed quantitative techniques to produce

¹Iowa, Legislature, House, Journal of the House of Representatives of the Seventh Legislative Assembly, May 7, 8, 12, 1845 (Fort Madison: Wilson Albright, 1845), pp. 13, 24, 49. (Hereafter referred to as 7th THJ.)

²Iowa, Legislature, Council, Journal of the Council of the Seventh Legislative Assembly of the Territory of Iowa, May 13-14, 1845 (Iowa City: Williams and Palmer, 1845), pp. 33, 40. (Hereafter referred to as 7th TCJ.); see also, 7th THJ, May 21, 1845, p. 95.

'scalograms" showing the various legislative attitudes toward the Miners' Bank. These "sca-ograms," reproduced in Tables 6 and 7 show that the Whigs, favoring banks of issue, were willing to overlook the bank's misdeeds and voted to save the bank's charter. This data also reveals that within the Democratic party there were two factions: a "hard-money" faction opposed to all banks of issue and a "conservative" or pro-Bank faction willing to support locally controlled banks of issue. The "hard-money" faction consistently voted for repeal of the Miner's Bank while the "conservative" faction appeared to be pushed into support of the radical position by the abuses of the Miner's Bank and the general suspension of all banks after the panic of 1837.

When a convention met in 1844 to draw up a constitution in preparation for Iowa's admission into the Union, the issue of the Miners Bank of Dubuque was closed, but the question of banking continued as a divisive political issue. That convention consisted of fifty-one Democratic delegates and only twenty-one Whig delegates. The responsibility for drafting the section of the constitution dealing with banking fell to the Committee on Incorporations, composed of seven Democrats and two Whigs. The Democrats were Stephen Hempstead (Dubuque), James H. Gower (Cedar), George Hepner (Des Moines), William R. Harrison (Washington), John Hale (Van Buren), Calvin J. Price (Lee) and Michael O'Brien

(Dubuque). The Whigs were Ralph P. Lowe (Muscatine) and Wright Williams (Louisa).

Two reports were forthcoming from this committee.

The majority report provided:

One bank may be established in this State with branches, not to exceed one for every six counties in conformity with the following rules.

Rule 1. The bill establishing said bank and branches, before the same can become a law, shall be passed by a majority of the members elected to both houses of the Legislative Assembly, be approved by the Governor and at the next general election be submitted to the people for their approval or rejection, and if approved by a majority of the qualified electors within this State, the same shall become a law at such time as the Legislative Assembly shall prescribe.

Rule 2. Such bank or branches shall not commence operations until half of the capital stock subscribed for, be actually paid in gold or silver, which amount in no case shall be less than one hundred thousand dollars.

Rule 3. Such bank or branches shall not have power to issue any bank note or bill of a less denomination than ten dollars.

Rule 4. The remedy for collecting debts, shall be reciprocal, for and against such bank, and its branches.

Rule 5. The stockholders shall be liable respectively for the debts of said bank and branches.

Rule 6. In case said bank or branches shall neglect, or refuse to pay on demand, any bill, note or obligation issued by the corporation, according to the promise therein expressed, such neglect or refusal shall be a forfeiture of their charter, and put an end to their corporate powers and privileges.

Rule 7. The Legislative Assembly shall have the power to alter, amend, or repeal such charter,

whenever in¹ their opinion the public good may require it.

The objective of this plan was to make sure that any bank operating in the future state of Iowa would be closely regulated; specifically it was stipulated that banks must by law redeem notes in specie and further, that stockholders be liable for the debts of the bank incurred through its operations.²

The minority report was supported by Stephen Hempstead and Michael O'Brien, both Democrats from Dubuque. Their report simply provided that "No bank or banking corporation of discount, or circulation shall ever be established in this State."³

Because of the split between "radical" and "conservative" Democrats on the banking issue the minority report was defeated by a vote of 51 to 17. The final draft of the 1844 Constitution provided for the chartering of banks to be approved by the people with a provision for individual responsibility regarding corporate operations.

¹Iowa Territory, Journal of the Convention for the Formation of a Constitution for the State of Iowa (1844) (Iowa City: A. H. Palmer, 1846), pp. 28-29.

²Ibid.

³Fred D. Merritt, The Early History of Banking in Iowa (Iowa City, Iowa: University Press, 1900), p. 90.

On April 1, 1845, the constitution was put before a vote of the people of the Territory of Iowa and rejected by a final tabulation of 7,109 to 6,023. Most Iowa historians agree that the basis for this rejection was the disenchantment with the reduction in the states' boundaries rather than a specific grievance with the constitution's general content or with the banking provisions in particular.¹

A second constitutional convention convened in January, 1846. Prior to the election of delegates, the Whig party in Iowa campaigned on the position that no specific prohibition against banking should be included in the constitution. They felt that the issue should be left to the people after the adoption of the constitution. As the Whig paper, the Bloomington Herald, put it in 1846:

...we say distinctly that we are not in favor of the establishment, at this time of any bank in Iowa; and we are equally opposed to any prohibition of one in the Constitution. Banking capital cannot exist in an agricultural or planting community, nor can the latter derive any benefit from it. In all probability no bank will be desirable in Iowa for years; but nevertheless we are not so distrustful of the people's ability to govern themselves as to be unwilling to leave the matter entirely with them, that they may be permitted through their representatives, chosen by their own free and unpurchased suffrages, to provide for a commercial and manufacturing condition whenever in their opinion the emergency arises.²

¹Erickson, Banking in Frontier Iowa, 1836-1865, pp. 47-48.

²Bloomington Herald, May 8, 1846, I, 4.

The election of delegates resulted in a Democratic majority; the Democrats elected twenty-two delegates to ten for the Whigs, thus giving the Democrats a working majority. The Democrats viewed the Whigs as not only a party favoring banking but also a party based on class privilege, operating for the benefit of the few as against the many. One Democratic paper expressed the attitude this way:

...the preponderance of the talent and intelligence of the Federal party is in favor of the banking system, simply from the reason, that it has found an excellent cradle in which to rock their darling principle and paramount design; an institution of hereditary distinction and social preferment in the United States.¹

The Committee on Incorporations at the second constitutional convention reported that "No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges." However, when brought before the full convention, Whigs and Bank Democrats managed to secure an amendment permitting the establishment of Banks with the approval of each charter by the people of the new State of Iowa; although any such established bank would be subject to stringent regulations. At this point the Whigs, unhappy over stringent banking regulations, and the anti-Bank Democrats, displeased with any provision for the future establishment of banks, joined forces and voted to repeal the entire section of the proposed constitution permitting

¹Iowa Democrat (Keosauqua, Iowa), June 12, 1846, III, 28.

the development of banking. When the Bank (Conservative) Democrats realized that they could not secure a strictly regulated banking system, they had no option but to join with anti-Bank Democrats in support of a complete prohibition on banks. Thus the section dealing with Corporations and Banking in the 1846 Constitution contained a complete prohibition on banking in Iowa.¹

From 1846 until 1857 banks were prohibited in Iowa. During this period several economic and political developments set the stage for a movement to call a constitutional convention for the purpose of legalizing banking in the State of Iowa. By the late 1840's and early 1850's, the nature of Iowa's economy had experienced great change. No longer was Iowa agriculture based on subsistence farming; by the early 1850's an increasing number of Iowa farmers were producing surpluses they wished to sell for cash. In the judgment of Erling Erickson, "the absence of banks of issue and the resultant monetary confusion made the state's transition to a mature, commercial economy more difficult and had an effect on almost everyone." In a "bankless" state, farmers, merchants and artisans lacked a sound currency and found credit difficult to obtain or, when available, only at

¹Erickson, Banking in Frontier Iowa, 1836-1865, p. 47.

high rates of interest.¹

Iowa Whigs tried to reverse the anti-bank prohibition of 1846 and toward this end introduced bills in the general assembly between 1846 and 1851 calling for a referendum on the subject of amending the Constitution. Increasingly, more and more Democrats moderated their positions on the legitimacy of banks. And by 1854 the Democratic party in Iowa was in the process of disintegration, political power turning to first the Whigs and later the Republicans. This political revolution was perhaps the most significant reason for the calling of a constitutional convention in 1857, the major result of which was to reverse Iowa's prohibition on banking.

The dramatic change in the political climate in Iowa was clearly revealed by the results of elections to elect delegates to the 1857 constitutional convention. The Democrats elected only 14 delegates and of these only four were "hard-money" or "radical" Democrats committed to the anti-bank position.

¹Erickson, Banking in Frontier Iowa, 1836-1865, p. 79.

Chapter 2

THE BLACK EXPERIENCE IN IOWA

Blacks in Iowa were regulated by the Organic Law which divided the Territory of Wisconsin and established territorial government in Iowa in 1838. The Organic Law in section five eliminated Blacks from voting by providing that, "...every free white male citizen...above the age of twenty-one...." would be allowed to vote in the first election. While the Organic Law provided for the legislature to make subsequent rules as to who should vote, it stipulated, again in section five, that, "...sufferage shall be exercised only by citizens of the United States."¹ The Organic Law, section twelve, also provided that the rights, privileges and immunities enjoyed by inhabitants of Wisconsin would extend to the Territory of Iowa. The Territory was free to cause those laws, "...to be altered, modified, or repealed by the governor and legislative assembly..." but there was no particular constituency in the Territory making any great push to change laws regulating Blacks.²

The First Iowa Territorial Assembly evidenced the

¹Revised Statutes of the Territory of Iowa, session 1842-43 (Iowa City: Printed by Hughes and Williams, 1843), p. 23. (Hereafter referred to as RSTI, session 1842-43.)

²RSTI, session 1842-43, p. 26.

prevalent hostile attitude toward Blacks. A Democrat, John Frierson, introduced a bill which, on the face of it, was a blatant attempt to keep Blacks out of the Iowa Territory. His bill, introduced on December 29, 1838, provided grist for partisan debate for the rest of the territorial years, but it passed by a bipartisan vote. In the House the bill passed without a recorded vote. In the Council there was only a small amount of opposition. The bill in the Council passed with nine voting for and three opposed: five Democrats and four Whigs voted for, and one Whig and two Democrats were opposed. Those opposed to the imposition of a "Black Code" in Iowa came from the central part of the state, an area which was to continue to be a pro-Black enclave throughout the period from 1838 to 1860. The counties making up this area were Scott, Clinton, Louisa, Slaughter, Muscatine and Des Moines counties. The "Black Code" became law on January 21, 1839.¹

This statute stipulated that any Black or Mulatto wishing to live in Iowa was required to produce a certificate of freedom and to post \$500 bond with sufficient security to satisfy the county commissioner. In the event of any crime or for any reason that the Black might become a burden,

¹Iowa, Legislature, Council. Journal of the Council of the First Legislative Assembly of the Territory of Iowa. January 15, 1839 (Dubuque: Russell and Reeves, Printers, 1839), p. 164. (Hereafter referred to as 1st TJC.)

the bond would be forfeited. The act also authorized the sheriff to hire out any Black or Mulatto who failed to give the bond "...at the best cash price for a term of six months..." and the money was to be turned over to the county treasury for its use. The act also contained a provision for slaves to be reclaimed on proof of ownership being provided to any judge of the district court or justice of the peace. The act did contain one safeguard for Blacks who might be picked up at random for hiring out: if a sheriff or jailer caused a Negro to be jailed unlawfully, he was to be fined from fifty to one hundred dollars.¹

This act was designed to regulate a Black population which, according to the 1840 census figures, amounted to 18 persons. It is interesting to note that the vote in the Council was favorable to the bill in both the northern and southern tiers of counties and there was a swath through the center of the territory that voted against the bill. This area in Iowa contained settlers who, because of their ethnic and religious backgrounds, were sympathetic to Blacks. There were the Irish, Germans and Ohioians with a sizable community of Quakers who took a strong anti-slavery position.²

¹The Statute Laws of the Territory of Iowa, A.D. 1838-1839 (Dubuque: Russell and Reeves, Printers, 1839), pp. 65-66. (Hereafter referred to as SLTI 1st session.)

²Morton M. Rosenberg, Iowa on the Eve of the Civil War (Norman: University of Oklahoma Press, 1972), pp. 20, 25-26, 52.

The representatives voting against the bill came from counties which, during the remainder of the territorial period, generally elected Whig legislators. These Whigs would make several attempts to repeal the Black Code throughout the territorial period. (See Map 1.)

The Second General Assembly of the Territory (November 4, 1839-January 17, 1840) considered no bills related to Blacks, but legislative debate arose over several sections of the law regulating marriage. The provision that "All marriages of white persons with negros (sic) or mulattoes are declared to be illegal and void" was carried over from the laws of the Wisconsin territory. In a revision of the marriage laws, the Second General Assembly continued this provision in force.¹

In the Third Territorial House (November 2, 1840-January 15, 1841), Paton Wilson, a Whig, presented a petition asking for a repeal of the laws relating to Blacks and mulattoes. The petition was referred to a committee composed of one representative from each electoral district. The select committee was composed of nine members, four Whigs and five Democrats. The committee reported by presenting H.R. 121, a bill designed to repeal portions of the act regulating Blacks and mulattoes.

In an attempt to garner support for the bill, Daniel

¹SLTI, 1st Session, p. 42.

Miller, a Whig, presented a petition of citizens of Lee County asking that Blacks and mulattoes be allowed the "...right to a trial by jury when claimed as a fugitive slave..." rather than simply allowing the decision to be made by a district court judge or a justice of the peace. The petition was laid on the table.¹

John Whitaker, a Democrat, moved to strike out the enacting clause which would have essentially made the proposed amendment to the act regulating Blacks meaningless. He was successful by a vote of nineteen to four. Thirteen Democrats and six Whigs voted in favor and all those voting against the motion were Whigs. Three of the four Whigs who were opposed to the striking of section one were members of the select committee that had presented the bill; Daniel Miller who presented the petition for allowing trial by jury for fugitive slaves and Paton Wilson who had initiated the bill in the first place were among those.²

In the Fourth Territorial General Assembly (December 6, 1841-February 18, 1842) Paton Wilson again attempted in the House to secure repeal of the law regarding Blacks and mulattoes. On January 17, 1842, he presented a petition

¹Iowa, Legislature, House, Journal of the House of Representatives of the Third Legislative Assembly of the Territory of Iowa, January 11, 1841 (Dubuque: Wm. W. Corriell, 1841), p. 252. (Hereafter referred to as 3rd THJ.)

²3rd THJ, January 4, 5, 11, 1841, pp. 219, 235, 258.

signed by two hundred and forty-five citizens of Henry County calling for repeal of the law. A second petition signed by sundry citizens of Jefferson County on the same subject was also presented.¹

Asbury Porter, a Whig, representing Henry County, on January 26, 1842, presented a petition from three hundred and forty citizens of Henry County "...remonstrating against any action of the Legislature in relation to the present law concerning Blacks and mulattoes." Richard Quinton, a first term Democrat, presented a similar petition signed by the people of Jefferson County on the same date. Mr. Porter moved that all the petitions be referred to the Judiciary Committee, a motion on which Mr. Quinton concurred, and the petitions were buried by that committee in the House.²

In the Council the Judiciary Committee had received a petition from citizens of Washington County requesting that the law regarding Blacks and mulattoes be repealed. The Judiciary Committee reported: "...that it would be impolitic and inexpedient to grant the prayer of said petitioners..." and asked to be released from further consideration of the petition.

¹Iowa, Legislature, House, Journal of the House of Representatives of the Fourth Legislative Assembly of the Territory of Iowa. January 17, 1842 (Iowa City: Van Antwerp and Hughes, 1842), pp. 120-121. (Hereafter referred to as 4th TJH.)

²4th TJH, January 26, 1842, p. 156.

The conflicting petitions from Henry County are of interest since both came from a Whig stronghold throughout the territorial period. Out of thirty-four legislative office terms, Henry County elected Democrats only three times. The petitions therefore show that there was not complete unity among settlers in the county regarding laws regulating Blacks in Iowa.

Midway through the Fifth Territorial Legislature (December 5, 1842-February 17, 1843) David Bunker, a Whig from Washington County, introduced a petition asking for the "...repeal of all acts regulating Blacks and mulattoes..." which on his motion was referred to the Committee on the Judiciary.¹

Paton Wilson again renewed his efforts, but this time the petition he presented from Henry County limited itself to asking for the repeal of the fourth section of the act of the Territory relating to Blacks and mulattoes. The fourth section was that part of the act making it illegal to hire Blacks who had not complied with registering a certificate of freedom and posting a bond. Mr. Wilson's petition was also referred to the Judiciary Committee where both petitions remained until the close of the session. No

¹Iowa, Legislature, House, Journal of the House of Representatives of the Fifth Legislative Assembly of the Territory of Iowa. January 19, 1843 (Iowa City: William Crum, 1843), p. 126. (Hereafter referred to as 5th THJ.)

action was taken.¹ There seemed to be a hiatus in attempts to pass or repeal legislation with regard to Blacks and mulattoes in the sixth and seventh legislatures.

During the Territorial period the Whigs took the initiative in presenting petitions and pushing for change in the law concerning Blacks in the Territory. Their efforts were directed toward extricating Iowa Territory from the Black Code created by the First Territorial Assembly.

The Senate of the State of Iowa (November 30, 1846--February 25, 1847) found itself confronted with a resolution authored by Samuel Fullinwider, a Whig, which called on the Federal Relations Committee to inquire "...into the expediency of repealing..." the act regulating Blacks and mulattoes; his resolution called on the committee to report by bill or otherwise. The Senate, for the first time, found itself confronted with petitions authored and signed by women calling for the repeal of the Black Code. Evan Jay, a Whig from Henry County, presented a petition of "...Catherine Huggins and eleven other females in relation to people of color." Mr. Milton D. Browning also presented a petition praying for the repeal of the law regulating Blacks.²

¹5th THJ, February 2, 1843, p. 224.

²Iowa, Legislature, Senate, Journal of the Senate of the First General Assembly of the State of Iowa, February 6, 1847 (Iowa City: A. H. Palmer, Printer, 1847), p. 193.
(Hereafter referred to as 1st SJS.)

The Federal Relations Committee did report after consideration that they felt "...that they do not deem any change or alteration of the present law expedient or necessary." The Senate concurred in the report without a recorded vote. Mr. Jay, undeterred, moved to instruct the committee "...to report a law to repeal the act regulating blacks (sic) and mulattos, approved January 21, 1839." Considering the fact that the committee had already reported, it was predictable that the vote on Mr. Jay's proposal would be negative, four to thirteen. All four voting in favor were Whigs, but there were an equal number of Whigs voting against repeal. Losing on the attempt to instruct the committee, Jay and his supporters amended to refer without instruction but still lost six to eleven, but added two more Whigs, Milton Browning and Loring Wheeler, in favor. John Sanford, a Whig, moved to refer the question to a select committee but his proposal did not come to a vote because Thomas H. Benton, Jr., a Democrat, moved to table the proposal. The motion to table passed nine to eight, five Whigs and four Democrats favoring and three Whigs and five Democrats opposed. Though the repeal of the law regulating Blacks and mulattoes was dead, Francis Springer, a Whig, still presented a petition of Elizabeth J. Rankin and thirteen other ladies praying for the repeal of the Black Code.¹

¹1st SJS, February 6, 8, 19, 1847, pp. 193, 194, 251.

In the First House of Representatives of the State of Iowa George Montague, a Democrat, introduced H.R. 120 which was a bill to amend the act regulating Blacks and mulattoes and it easily passed first reading. The amendment was not designed to ameliorate the condition of Blacks, but rather that of persons who hired Blacks and who had not complied with the Black Code laws, since the employers were also subject to fines. The bill was designed to modify section four which was:

Should any person or persons knowingly engage or hire, or harbor, such negro or mulatto, hereafter coming, or being brought into this territory without such colored person first complying with the provisions of this act, such person or persons, so attending, shall pay a fine of not less than five, nor more than one hundred dollars to be recovered by presentment or indictment.

The bill, on a motion by John T. Morton, a Whig, was indefinitely postponed by a vote listed in the journal as twenty-nine to nine. The record of this vote was confused, however, because those listed as voting only add up to twenty-three to nine, and Smith of Mahaska is recorded as absent because of illness, but is also listed as having voted yes. Of those voting, the Whigs were overwhelmingly in favor of postponement--eighteen favoring and one against--while the Democrats split with five favoring and eight opposed.¹

¹Iowa, Legislature, House, Journal of the House of Representatives of the General Assembly of the State of Iowa, February 18, 19, 1847 (Burlington: Printed at the Hawk-eye Office, 1847), pp. 341, 353. (Hereafter referred to as 1st SJH.)

There was political logic in keeping the Black Code intact so far as the Whigs were concerned because keeping it repulsive for those who might wish to hire Blacks enhanced the chances of repeal of the whole act rather than merely pieces of it.

In the Third General Assembly the Democrats dominated both houses of the state legislature by a large majority and used this majority to pass restrictive legislation against free Blacks.

On January 6, 1851, William Haun, a Democrat in the House, introduced a bill "...to prohibit the immigration of free negros (sic) into the state," which was read a first time and then referred to the committee on Federal Relations by George Allender, also a Democrat. The Federal Relations Committee did not wish to be saddled with the bill and so reported it back without recommendation and asked to be discharged. Andrew Gamble, a Whig, chose this moment to move the bill to the table, but his motion lost without a recorded vote.

Mr. Allender then moved to strike out all after the enacting clause which would have effectively killed the bill. Mr. Gamble, whose attempt at tabling had failed, now moved to "...refer to a committee of one with instructions not to report at the present session." This motion lost fourteen to twenty-one, all five Whig members favoring the move along with nine Democrats including Mr. Allender who

tried earlier to defeat the bill. All twenty-one opposed to the motion were Democrats. The bill passed without a recorded vote and was sent to the Senate where it was treated as a partisan issue.¹ (See Table 3 and Map 4.)

Whigs were united in their opposition to the bill prohibiting the free immigration of Blacks into the State; they were joined in this view by ten Democrats most of whom came from districts which had in the past been represented by Whigs. It would appear from the voting pattern of the Democrats on this issue that they represented constituents' feelings rather than party line influence.

In the Senate, even before the bill came in from the House, a petition had been introduced by Nathan Baker, a Democrat, "...praying the passage of a law, to protect the people of this State from the evils of a black (sic) population," which was referred to the Federal Relations Committee.

In the Senate there were moves to delay passage of the bill or to even have it killed but to no avail. John Howell, a Democrat, moved the bill from the table on February 5, 1851, and called for the question; the bill passed nine to seven, with four Whigs and three Democrats in opposition.

¹Iowa, Legislature, House, Journal of the House of Representatives of the General Assembly of the State of Iowa, Third Session, January 6, 8, 13, 25, 1851 (Iowa City: Palmer and Paul, State Printers, 1851), pp. 145, 150, 182, 275, 295. (Hereafter referred to as 3rd SJH.)

Those who opposed the bill were from Districts with large Whig constituencies, such as Lee, Davis, Appanoose, Wayne, Jackson and Jones.¹ (See Table 4 and Map 5.)

It would be legitimate to question the political motivation behind this particular bill. It has been argued that Iowans imposed restrictions on the immigration of Blacks because they feared the economic impact of a Black influx rather than the racial impact. Iowans "...might oppose slavery as a great moral evil, but no love for the Negro himself accompanied this attitude."²

The bill itself prohibited free Negroes and mulattoes from settling in the state and provided for them to be notified that they had three days in which to leave the state or be arrested. If arrested they were to be fined two dollars a day and jailed until "...such fine and costs are paid or until he will consent to leave the state, provided, it shall be ascertained that he or she is unable to pay such fine and costs." The act allowed free Negroes already living in the state to remain and there was a provision in the act for a judge to determine if a person were a free

¹Iowa, Legislature, Senate, Journal of the Senate of the Third General Assembly of the State of Iowa, January 21, 31, 1851 and February 5, 1851 (Iowa City: Palmer and Paul, State Printers, 1851), pp. 194, 267, 295. (Hereafter referred to as 3rd SJS.)

²Rosenberg, p. 73.

Negro or a mulatto.¹ These provisions were to remain in force until the adoption of the Constitution of 1857.

The legislators were voting to restrain a perceived rather than a real danger since the 1850 census returns showed only 333 colored persons as compared to 191,881 whites. The figures had shot up to 355, a net increase of twenty-two by 1852 while the white population was recorded as having increased to 229,557, a net increase of 37,696. Proportionately this was one colored person to every 1,713 whites who came into the state. Census statistics showed that by 1856 the white population had grown to 517,600 while the colored population had decreased to only 275. Petitions to the legislature had come from Muscatine County and that county had the largest enumeration of Blacks in the census; they reported sixty-nine in 1850, fifty-eight in 1852, sixty-eight in 1854, but surprisingly in 1856, they list none. This statistic was also noted in other counties, Lee for instance; the second largest enumeration shows fifty-two in 1850, forty-two in 1852, sixty-six in 1854 and then in 1860 only two.² The census figures show that Iowa

¹Acts, Resolutions and Memorials Passed at the Regular Session of the Third General Assembly of the State of Iowa, Reprint (Iowa City: Palmer and Paul, State Printers, 1851), pp. 600-601. (Hereafter referred to as ARM 3rd GAS.)

²Census of Iowa for the Year 1895 (Des Moines: F. R. Conaway, State Printer, 1896), pp. 284-288.

in the 1850's was not subject to an influx of a Black population but rather that the Black population in Iowa had declined.

The Fifth General Assembly began on December 4, 1854, but it was not until the tail end of the session that consideration of the bills and petitions with regard to Blacks and slavery were taken up. On January 17, 1855, Reasin Pritchard, a Whig from Muscatine County, introduced into the House a petition of A. Clark and thirty-two other free colored persons from Muscatine praying for the repeal of "...the law which prohibits the immigration of free negroes (sic) into this state." Ben Samuels, a Democrat, moved to lay the petition on the table and his proposal was approved thirty-nine to twenty-six. The only Democrat to vote against tabling was Daniel S. Jackson from Pottawattamie. His fellow legislator from the same county, John T. Baldwin, was one of the twelve Whigs who voted to have the petition tabled.¹

The Sixth Legislative Assembly (December 1, 1856-January 20, 1857) was composed of Democrats and the new Republican party in Iowa. The Republicans dominated both houses of the legislature having a two to one majority in

¹Iowa, Legislature, House, Journal of the House of Representatives of the State of Iowa, Fifth regular session, January 17, 1855 (Iowa City: D. A. Mahony and J. B. Dorr, State Printers, 1855), p. 319. (Hereafter referred to as 5th SJH.)

the Senate and a strong seventeen vote majority in the House.¹

On December 8, 1856, just eight days into the sixth legislative session, George McCoy, introduced S.F. 20, a bill to amend section 2388 of Chapter 130 of the Code of Iowa--a section dealing with evidence. The section on evidence in the 1851 Code of Iowa read:

Every human being of sufficient capacity to understand the obligation of an oath is a competent witness in all cases both civil and criminal except as herein otherwise declared. But an Indian, a negro (sic), a mulatto or black person shall not be allowed to give testimony in any cause wherein a white person is a party.

The bill called for granting to Negros and mulattos the right to testify. It was referred to the Judiciary Committee and they reported back a substitute bill and recommended its passage. Jairus Neal, a Democrat, then moved to have the bill indefinitely postponed, but lost twelve to eighteen on a party vote. The substitute was adopted and readied for third reading the following day. Mr. Neal called for a recorded vote which showed passage of second reading by a vote of nineteen to thirteen, once again a party split. An attempt by another Democrat, James Test, to have the bill laid on the table at that time also lost.

¹T. D. Eagal and R. H. Sylvester (eds.), The Iowa State Almanac and Statistical Register, 1860, a facsimile reproduction (Iowa City, Iowa: State Historical Society of Iowa, 1963), p. 23.

Finally on the question of third reading and passage of the bill by the Senate, the polemical flourishes of the politicians showed through. Mr. Neal called for the vote on passage and the bill passed nineteen to thirteen, again with strong party line voting. Aaron Brown, a Democrat, then proposed that the title of the bill be changed to which Mr. Neal offered a substitute, "A Bill for an act to equalize the white, the black, and the mongrel races." Not to be outdone, M. L. McPherson, a Republican, moved to substitute the title, "An Act to repeal a tyrannical prohibition of the Code, placed there by the Democratic Party of this State." His substitute title also lost. The Democrats were not finished venting their spleen and next offered another substitute, "An Act carrying out the policy of the Black Republicans," but this substitute lost too. Cooler heads then prevailed and Samuel Kirkwood, a Republican, called for a record of the vote on Mr. Neal's proposed substitute title which lost three to twenty-nine. The original title was therefore agreed to.¹ Republicans were united in their support of extending to Negroes the right to give evidence in trials involving whites, but Democrats were divided on the issue. (See Table 5.)

¹Iowa, Legislature, House, Journal of the House of Representatives of the State of Iowa, Sixth Session, December 8, 13, 15, 20, 1856 (Iowa City: Peter Moriarty, State Printer, 1857), pp. 35, 93, 94, 107, 108. (Hereafter referred to as 6th SJH.)

After passage in the Senate, John Moore, a Democrat in the House introduced a petition of citizens of Delaware County protesting any change in the law prohibiting Indians, Mulattos and Blacks from giving evidence against whites. After much parliamentary maneuvering the bill was finally moved to a third reading. On December 20, 1856, the bill passed thirty-five to twenty-seven, Republicans favoring and Democrats opposed.¹

The act changing the Code is a particularly significant change as it gave a real and substantive right to Blacks living in Iowa, although their numbers had dropped significantly and the bill as passed in 1856 only applied to about 275 persons.

The Sixth Legislature also passed a bill with regard to the Kansas question. The bill instructed Iowa's Senators and Representatives to reject any constitution which did not bring Kansas into the Union as a free state.

The idea that the Sixth General Assembly was rampant with Black Republicanism is dispelled to some extent by close study of a resolution offered four days before the end of the session by Thomas Hardie, a Democrat in the House.

¹Iowa, Legislature, Senate, Journal of the Senate of the Sixth General Assembly of the State of Iowa, December 19, 20, 1856 (Iowa City: Peter Moriarty, State Printer, 1857), pp. 148, 149, 151, 157. (Hereafter referred to as 6th SJS.)

The resolution was directed at the Constitutional Convention then in session, particularly with regard to the "...elective franchise to white male citizens of the United States....," which was how the 1846 Constitution read. Mr. Hardie's resolution called on the convention to leave Section one, Article Two of the Constitution alone since it was correct the way it was. One section of his resolution particularly rankled the Republicans. The resolution read in part

And Whereas, a portion of our citizens are in favor of, and advocate the striking out of the word "white" from the Constitution as used to define the right of citizenship, in order to place negros (sic) and mulattos on an equal footing with the white race, Therefore, Be it Resolved, that in the opinion of this House, section one of article two of the Constitution as it now stands, is right and proper, and that it would be inexpedient to strike out the word white therefrom.

With party voting much in evidence, an attempt by certain Republicans to table failed fourteen to forty-one. An attempt to move it to the Federal Relations Committee also failed twenty-five to thirty. Finally, David Cloud, a Republican, moved to strike out the offending section, "in order to place negros and mulattos on an equal footing with the white race...". Then the vote on adoption passed fifty-one to six. The resolution remained still very precise in its instruction to the Constitutional Convention; it just was not as condemnatory of Republicans and the vote showed that the Republicans, despite Democratic epithets to the

contrary, were hardly radical Black Republicans.¹

The Sixth General Assembly provided grist for political platforms in 1857. The Republicans, meeting in Iowa City on August 19, 1857, covered much of the old familiar ground of recognizing slavery in states as a local institution but opposing its spread and demanding that all territories be free.

It was the Democrats, however, who had a heyday condemning Republicans in their 1857 state platform. They stated that the decisions of the Supreme Court were binding and that every citizen must support it against "...assaults of bigots, fanatics, and traitors..." i.e., Republicans. Democrats charged that the Republican party, by allowing Indians and Blacks to become witnesses against whites, had taken the "...first step towards a system to equalize the black and white races."²

The Seventh General Assembly (January 11, 1858-March 23, 1858) was relatively quiet on the slavery issue. Benjamin Gue, a Republican, did introduce a bill prohibiting and punishing the holding of slaves in the state, but

¹6th SJH, January 26, 1857, pp. 464-466.

²Herbert S. Fairall, ed., Manual of Iowa Politics (Iowa City: Republican Steam Printing House and Bindery, 1882), pp. 42-46.

upon reference to the Judiciary Committee the bill died.¹

The Eighth General Assembly (January 8, 1860-April 3, 1860) reflected the calm before the storm of the Civil War. While the Democrats and Republicans continued to harrangue one another with the planks of their respective political platforms, no new legislation at the state level was created; however, the way had been started for a fairly easy transition for Iowa to accept the new status of the Black after the Civil War.

In reviewing the question of the Blacks in Iowa in the period from 1838 to 1860, the Whigs (and after 1856 the Republicans) manifested a consistent effort to improve the condition of Blacks. This was true on local issues, such as immigration of Free Blacks or the right to give evidence in trials involving whites. This interpretation requires that the passage of the Black Code in the First Territorial Legislature in 1839 be considered as antithetical insofar as later Whig voting behavior in subsequent legislative sessions is concerned.

The Democratic party controlled during the Territorial period and while it kept from passage any legislation that would have ameliorated the condition of Blacks, it appeared

¹Iowa, Legislature, House, Journal of the House of Representatives of the Seventh General Assembly of the State of Iowa, March 10, 1858 (Des Moines: John Teesdale, State Printer, 1858), p. 564. (Hereafter referred to as 7th SJH.)

not to have been dogmatic about the issue of Blacks. Party discipline was lax and it seemed that Democrats were more prone to vote constituency rather than party.

It appeared easier to develop a consensus, however, when discussing issues such as slavery extension in the national arena (as will be seen in the next chapter) than when issues dealing with local questions came into play, i.e., the question of repealing the Black Code. Democrats appeared more likely to buck party lines on national rather than local questions involving Blacks.

Chapter 3

IOWA'S RESPONSE TO THE BLACK ON NATIONAL ISSUES

Iowa came to statehood at a time when the question of slavery extension was becoming heated. David Wilmot had exacerbated the debate over peace with Mexico by introducing a proviso that "...as an express and fundamental condition to acquisition of any territory from the Republic of Mexico... neither slavery nor involuntary servitude shall ever exist in any part of said territory...".¹ The proviso became a favorite subject of debate by politicians at all levels and Iowa lawmakers were no exception.

The Second General Assembly became highly animated on the subject of slavery extension. The Whigs, who were in a minority in both houses, were generally responsible for the introduction of anti-slavery resolutions but none passed and most were defeated on a strictly partisan vote.

On December 4, 1848, four days after the opening of the Second session, H. R. Thompson, a Whig from Henry County, introduced a joint resolution for the restriction of slavery, H.R. 2; this was ordered laid on the table. An attempt by Stewart Goodrell, a Whig, to move the bill from the table failed without a recorded vote and Mr. Thompson's

¹James Truslow Adams, ed., Dictionary of American History, Vol. V, 2d ed. rev. (New York: Charles Scribner's Sons, 1940), p. 469.

move to reconsider lost thirteen to twenty-four. Twelve of the thirteen voting for reconsideration were Whigs; only one Democrat, Michael H. Walker of Lee County, voted with them.¹

On January 2, 1849, William Allison, a Whig from Monroe County, introduced a memorial to Congress asking for "...a donation of land for the benefit of the colored race, and to aid in the removal of slavery." After its first reading, Cave McFarland, a Democrat from Lee County, moved to suspend the rules and allow for a second reading and have it made the order of the day by having the House dissolve itself into a Committee of the Whole for consideration of the bill. His motion lost, as did a couple of other Democratic proposals moving that the memorial be considered by the Whole House on some succeeding day. Finally, Dennis A. Mahoney, a Democrat, moved that the bill be indefinitely postponed. By this time it was late Saturday night and the motion on postponement was agreed to twenty-six to eight. Only two of the twenty-six voting in favor of postponement were Whigs; there was one Democrat voting against, Issac W. Griffith, a Democrat from Lee County, joined with seven Whigs

¹Iowa, Legislature, House, Journal of the House of Representatives of the General Assembly of the State of Iowa, Second Regular Session, December 8, 1848 (Fort Madison: Printed at the Statesman Office, 1849), pp. 131-132. (Hereafter referred to as 2nd SJH.)

to vote against postponement but the bill was dead.¹

Mr. Allison, undeterred by defeat, promptly introduced H.R. 117 seeking to end the slave trade in the District of Columbia. The House, with the hour late, quickly dispatched this bill; Nathan G. Sales moved the rules suspended and second reading so that he could move indefinite postponement which was agreed to twenty-seven to eight. On this proposal Whigs did not hold together; three Whigs voted to postpone while four Democrats voted against postponement along with four Whigs. The bill was dead.²

In the Senate meanwhile, a debate over slavery was also taking place. Evan Jay, a Whig from Henry County, was active again. He introduced S.F. 4, "A Joint Resolution for the restriction of slavery." After a first and second reading, the Senate could not decide what to do with it. There were a number of motions to postpone and finally an amendment was offered by Phillip Bradley, a Democrat, that would have effectively removed the substance of the bill. This emasculation was approved by a vote of eleven to eight with all Whigs opposed and all Democrats in favor. Since the bill was now meaningless, Whig Francis Springer moved the bill to the table subject to the call of the Senate;

¹2nd SJH, January 2, 1849, p. 306.

²2nd SJH, January 2, 1849, pp. 309, 310.

that was approved.¹

One resolution that nearly passed the Second General Assembly was S.F. 61, a resolution endorsing the principal of popular sovereignty as a solution of the slavery issue in the territories of the United States south of the Missouri Compromise line of 36 degrees, thirty minutes. Another provision of the resolution urged the state's Senators and Representatives to exercise their influence to secure an absolute prohibition of slavery in territories north of the Missouri Compromise line. Thomas Espy, a Democrat, introduced S.F. 61 on January 3, 1849. On coming to the floor of the Senate, John G. Cook, a Whig, moved to amend the resolution by instructing Iowa's Senators and Representatives "...to prevent by their votes and influence the admission of any new State into the Union as a Slave State."

The Senate voted along party lines, seven (Whigs) to nine (Democrats), to reject Mr. Cook's amendment. Mr. Cook immediately renewed his attack by offering another amendment. "Resolved: That it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery wherever that Government

¹Iowa, Legislature, Senate, Journal of the Senate of the Second General Assembly of the State of Iowa, December 7, 1848 (Dubuque: Andrew Keesecker, Printed at the Jackson County Democrat Office, 1849), p. 22. (Hereafter referred to as 2nd SJS.)

possesses constitutional authority to legislate on that subject and it is thus responsible for its existence." The amendment lost by the same party line vote of seven Whigs favoring and nine Democrats opposed.

Mr. Espy then moved the rules be suspended so that his bill could pass a third reading which was agreed to eleven to five. On final passage, seven Whigs and four Democrats favored while five Democrats were opposed. The resolution as it passed the Senate instructed Iowa's Senators and requested her Representatives, "...to exert their influence in favor of a law prohibiting the introduction of the institution of slavery within any such territory (north of 36°-30')." The resolution was much less than what the Whigs advocated, but was certainly unpalatable to most of the Democratic members.¹ (See Table 1 and Map 2.)

The Whigs in the Senate stood together on stopping the spread of slavery in the territories, however, they needed and got support from the Democrats whose districts abutted the Whig strongholds.

The Senate resolution relative to territories died in the House where one of the key questions was whether to debate the bill prior to removing it from the table. On a vote of twenty-six to ten, the House voted for that

¹2nd SJS, January 3, 6, 10, 1849, pp. 157, 188, 189, 207.

procedure. All ten voting against were Whigs. Eventually the bill died in the House after those ten Whigs and several Democrats failed in an attempt to remove the bill from the table. Only one Whig voted against the motion to remove the bill from the table.¹ (See Table 2 and Map 3.)

The Whigs in the House stood united as a party in support of the prohibition of slavery in the territories. The Democrats were not united on the question but still had enough votes to defeat resolutions of that nature.

Iowa Democrats met in convention on June 28, 1849 and adopted a series of resolutions to serve as their platform. In line with the position of the national party organization, the Iowa Democrats opposed as "inexpedient and improper" the Wilmot Proviso which called for the prohibition of slavery in the territories won from Mexico in 1848.²

The Whigs, meeting in their convention at Iowa City on June 30, 1849, favored the Wilmot Proviso. They condemned the "dominant party" in this state, the Democrats, for having failed to instruct the Senators from Iowa to favor the policy. They also included a provision on slavery which was essentially the same resolution introduced by John G. Cook during the Second General Assembly; it opposed

¹2nd SJH, January 8, 9, 1849, pp. 361, 366, 367, 391.

²Fairall, pp. 26-27.

slavery in the territories wherever the federal government had the constitutional authority to do so.¹

One way that the federal government was to become involved with the issue of slavery was through the Compromise of 1850.

The Compromise of 1850

The Compromise of 1850 was proposed by Henry Clay in an effort to calm the breach between the North and South on the issues of states rights and the extension of slavery. The resolutions in the compromise provided for the following: admission of California to the Union as a free state, the organization of New Mexico and Utah territories without restriction on slavery, the settlement of the Texas debt, the settlement of boundaries between New Mexico and Texas, the abolition of slavery in the District of Columbia, and a more stringent fugitive slave law. The series of measures passed into law in September of 1850 were hailed as a solution to the menace of national division.

Edgar Harlan in the first volume of A Narrative History of the People of Iowa attributes the issues generated by the Compromise of 1850 as responsible for "...the rapid disintegration of the Democratic party in the state." His comments are based to a large extent on the space devoted

¹Fairall, p. 28.

by the press to the issue. Large numbers of Iowans had been caught up in the migration to California and relatives were naturally interested in the multi-faceted issues generated by the compromise.¹ The issue did not generate the same degree of interest from the political parties in the state because the legislature was heavily dominated by Democrats in both the House and Senate.

The Whigs, meeting in convention on May 15, 1850, trumpeted their support of the Union, affirming "That we cherish an ardent attachment to the union of the States, and a firm determination to adhere to it at all hazards and to the last extremity." There was, of course, a plank calling for the admission of California. The only hint of dissatisfaction came when the Whigs, though fervently endorsing the Constitution, stated "...we are nevertheless free to reaffirm, as we do now, the opinion, heretofore expressed by the Whig party in Iowa, that we are in favor of free men, free territory, and free States."²

The Democrats, meeting in convention on June 12, 1850, came out with unreserved endorsement of the Compromise of 1850, with regard to the "peculiar" institution of

¹Edgar Harlan, ed., A Narrative History of the People of Iowa, Vol. I (Chicago: The American Historical Society, Inc., 1931), p. 259.

²Fairall, pp. 29-31.

slavery. They stood firm for the policy of "non-intervention," adopting the Douglas doctrine of "popular sovereignty". They proceeded in their platform to perform euphemistic circumlocution in endorsing that part of the compromise which, "...enforces the provisions of the constitution with regard to the reclamation of persons escaping from service...".¹

Ansel Briggs on December 3, 1850, delivered his parting address and touched on the Compromise recently passed by Congress. The thrust of his argument favoring the Compromise was that the issue of slavery, which had seriously threatened the Union, had been safely laid to rest. His parting thought was that "...whatever differences of opinion may be entertained in regard to this law, it is now our duty to support it so long as it remains the law of the land...". He tossed in cinchers to augment his reasoning like, "every lover of the Union," "every law-abiding citizen," and "every friend of Union,"--what Iowan could have possibly resisted?²

Governor Stephen Hempsted, delivering his message to the legislature the following day, stated that while

¹Fairall, pp. 29-31.

²Iowa, Legislature, Senate, Journal of the Senate of the Third General Assembly of the State of Iowa, December 3, 1850 (Iowa City: Palmer and Paul, State Printers, 1850), pp. 16-17. (Hereafter referred to as 3rd SJS.)

recognizing that people with different political sentiments would censure him, this was the right of free men discussing public measures. "It is made my duty by the Constitution to see that the laws are faithfully executed. This extends not only to such laws as we believe to be right, but to all such as are lawfully enacted, until they are repealed, or declared unconstitutional by judicial tribunals." Like Governor Briggs, he lauded the citizenry, saying: "...no citizen who loves that Union will violate its laws, or permit others to do so, if in his power to prevent it." The Inaugural Message was unlike any of those in the Territorial or State period to that date in its singleminded determination to clarify the issue and set forth a position. All previous messages of governors had ranged across the landscape of necessary legislation.¹

The issue of the Compromise of 1850 was the subject of a report submitted to the Senate by the Committee on Federal Relations on December 26, 1850. The report followed the rationale set forth in Governor Hempsted's message and emphasized that while differences of opinion existed among Democrats on the specific elements in the Compromise, since the Compromise was the law it must be obeyed:

Government pre-supposes obedience to law...
obedience which disavows resistance by force,
to the execution of the law, and which while

¹3rd SJS, December 4, 1850, pp. 30-32.

deeming the law unjust and impolitic, seeks only constitutional means for its change. To recognize any other rule...gives us the most cruel of despotisms instead of well regulated government.¹

The Committee then proposed a series of resolutions emphasizing the primacy of the constitution, ergo, compliance to the Compromise of 1850. It is interesting to note that the compromise was mentioned only in passing in the preamble and the thrust of the resolution hinged on obedience to the constitution. The preponderance of Democratic members in both houses prevented desultory amendments by Whigs and the resolutions passed both houses without a recorded vote.²

The Senate did receive one petition from George Wright, a Whig, "...asking that our Senators and Representatives in Congress be instructed to procure the immediate repeal of the fugitive slave laws...", which, as might have been expected, was consigned to the table by Joseph Lowe, a Democrat.³

The lines were drawn and the Democratic platform of 1852 called the Compromise "...a final settlement of the

¹3rd SJS, December 26, 1850, p. 93.

²Ibid., pp. 90-95.

³3rd SJS, December 20, 26, 1850, January 2, 1851, pp. 74, 89-95, 110.

question which has so long agitated the country upon the subject of domestic slavery." The Whigs endorsed the Missouri Compromise of 1820 as the final solution.¹

Political moves with regard to Blacks seemed to be in hiatus until the opening salvos of the political campaign of 1854 when the Whigs chose James W. Grimes to run against Democrat Curtis Bates for governor. There was little said in the state conventions of either party in 1852 regarding slavery, both parties professed their support for the Union and the Democrats touted the Compromise of 1850 on domestic slavery as a final settlement of the question.

On January 9, 1854, in the midst of the Fourth General Assembly, the Democrats convened to nominate Curtis Bates for governor and to establish a state platform. The platform did not broach the subject of slavery, preferring instead to "...denounce all bickering among ourselves and most earnestly recommend 'union', harmony, concession and compromise as a nucleus for universal observance." Little trouble could arise from a statement like that because it said nothing and if anyone thought it did, the Democrats could back away from it. The Democrats also inserted a resolution calling for the speedy organization of Nebraska Territory, but refrained from saying how it should be

¹Fairall, pp. 33-34.

organized.

The Whigs did not manifest any of the Democratic timidity in pushing a strong stance with regard to the organization of Nebraska in line with the Missouri Compromise of 1820. Iowa Whigs stated "We most unqualifiedly and emphatically disapprove of the efforts now being made in Congress to legislate slavery into the free Territory of Nebraska." They continued by personally attacking the motivation of Stephen Douglas of Illinois, architect of the Kansas-Nebraska Act, by calling the proposition "...totally unreasonable and absurd on its face, conceived in bad faith and prompted by an ignoble and most unworthy ambition for party and personal political preferment...". Considering the vitriolic nature of this document, it is interesting that having nominated James W. Grimes for governor, the Whigs nominated Andrew Jackson Stephens for auditor of the state; it would almost appear a profanation of the name.¹

James Grimes was elected by a 1,823 vote majority out of a vote of over 44,000. The Whigs captured the House of Representatives and had a nine vote majority; in the Senate they were a minority, but only by two votes.

Governor Grimes, in his inaugural message, addressed the evils of slavery and the responsibility of the federal government under the Missouri Compromise to restrain slavery in the

¹Fairall, pp. 35-38.

territories, i.e., those territories that were a part of the Louisiana Territory north of 36° 30'. "It becomes the State of Iowa,--the only free child of the Missouri Compromise--to let the world know, that she values the blessings that compromise has secured to her, and that she will never consent to become a party to the nationalization of slavery."¹

The Kansas Question

The question of slavery extension had become an issue of national importance accentuated by the problems developing in Kansas. In 1854, after several months of bitter debate in the Congress of the United States, the Kansas-Nebraska Act was passed into law. The bill was intended to reduce tension in the struggle between the North and the South by allowing Kansas and Nebraska to decide on the basis of popular sovereignty whether or not they would allow slavery. The act repealed the Missouri Compromise which had forbidden slavery in the Louisiana Territory north of 36° 30'. The doctrine of congressional nonintervention in the territories was established, but there was also an influx of advocates and opponents of slavery into Kansas.

When the Sixth General Assembly of Iowa met on

¹Benjamin F. Shambaugh, ed., The Messages and Proclamations of the Governors of Iowa, Vol. II (Iowa City: The State Historical Society of Iowa, 1903), pp. 10-14.

December 2, 1856, David C. Cloud, a Republican, introduced House File 2, which was a joint resolution calling for the admission of Kansas as a free state. The following day, a Saturday morning, Thomas Hardie, a Democrat moved that the bill be committed to the Federal Relations Committee; before any action was taken, the House adjourned for lunch. On their return Mr. Hardie called the question on his motion and it was decided twenty-eight to thirty-four against sending the bill to committee by a partisan vote, Democrats favoring committee study, and Republicans opposed to it.¹

Winslow Barker proposed the bill be referred to a Committee of the Whole and, failing that, he offered a substitute bill. His substitute simply called for the Representatives and Senators from Iowa to use their influence to allow a vote of the people of the Territory "...to form the character of their institutions subject only to the Constitutions and laws of the United States." While the proposal sounded harmless enough, the Republicans urged that Iowa's Senators and Representatives be encouraged to reject anything less than admission of Kansas as a free state.²

¹Iowa, Legislature, House, Journal of the House of Representatives of the State of Iowa, sixth session, December 5, 1856 (Iowa City: Peter Moriarty, state printer, 1857), p. 41. (Hereafter referred to as 6th SJH.)

²6th SJH, December 6, 1856, p. 50.

Mr. Cloud moved the substitute to the table which was done thirty-five to twenty-seven on a party vote. Mr. Hardie, a Democrat, then moved that Mr. Cloud's joint resolution be tabled which failed thirty-six to twenty-seven. The debate on passing the joint resolution was unresolved on Saturday, but it was taken up again on Tuesday of the following week and was passed in the House, thirty-eight to twenty-six, again on a party vote. Two Republicans who missed the vote were allowed to record yes votes.¹

It is interesting to note that running concurrently with the debate on the Kansas Resolution, there was a call for an investigation into Governor Grimes' correspondence about Kansas to the State Department regarding citizens of Kansas and the welfare of former citizens living in Kansas. Democrats felt Governor Grimes was actively encouraging free state forces in Kansas and therefore wanted to check his correspondence on the matter. He was indeed sympathetic to the free soil movement in Kansas. The call for the letters was made by Mr. Hardie, a Democrat, and was laid on the table. Thomas Bowen, a Democrat, then moved that the Governor's message regarding Kansas be referred to the Military Affairs Committee. J. H. Sullivan, a Democrat, moved to amend, asking that it be changed to the Committee of the Whole House; this motion and amendment were laid on

¹6th SJH, December 9, 1856, p. 73.

the table. Cyrus Franklin, also a Democrat, moved the bill be sent to the Federal Relations Committee, which was adopted. Thomas Hardie waited eleven days and then moved that the Federal Relations Committee be instructed to report as early as possible on the Governor's correspondence. The Republicans moved his motion to the table.¹

On January 6, 1857, Mr. Hardie once again attempted to get information on Kansas by instructing an inquiry by the Committee on Military Affairs into the disposition of "State Arms" and "...the propriety of permitting the rendezvous and drilling, within this State, of Troops intended for the invasion of other States or Territories of the United States." The Republicans indulged the Democrats on this motion, and it passed with Republicans splitting their votes fifteen favoring, fifteen opposed and fourteen not voting. The report appeared to be a set-up by Mr. Hardie to show the rather ridiculous nature into which the debate had dissolved. The report was to be presented on a Saturday evening, January 24, 1857, with the chairman dressed in the armor which was kept in the state library; the interest generated about the report was described as being "...looked for with the most intense interest by, all

¹6th SJH, December 4, 1856, pp. 33-34, and January 8, 1857, pp. 41, 49, 50-53, 73, 109, 110, 162, 171, 217.

the world, 'including' the rest of mankind."¹

The committee reporting on State arms assured the House that "...these arms are represented to your committee to be of the latest and most improved patents, warrented to kill or cripple in no case whatever....We mean the arms of woman!" Reporting on the rendezvous and drilling of foreign troops on Iowa soil, the committee allowed that it was alright as long as their purpose was "...the subjugation of Border Ruffians; and the planting of the strong banner of freedom upon the soil of 'Poor Bleeding Kansas'." They gave an additional endorsement in verse;

That foreign troops may ever drill
Upon our soil for luck;
Shriek for Freedom, Shriek at will,
And show the world their pluck.

On the setting up of a militia, the fighting population was to be set up as follows: "All persons under one year of age, as infant-ry," and "All persons disposed to ride a high horse as dragons." The committee also stated that, "All persons who have expressed or conceived the idea that this Legislature is not the most industrious, the most economical, the most orderly, grave and profound body, ever assembled in this House, shall constitute a 'forlorn hope,' their case being hopeless." The report while providing a highly

¹6th SJH, January 6, 1857, pp. 183-184, and January 24, 1857, pp. 454-458.

enjoyable interlude in the debate is hardly indicative of serious debate, but perhaps a recognition that politicians were "playing politics with national issues."¹

The Governor's correspondence with the President generated interest in the Senate as well; H. F. Cleaver, a Republican, had a letter from Governor Grimes to the President read to the Senate. W. A. Thurston, a Democrat, then moved to have all the Governor's correspondence with regard to Kansas laid before the Senate. Jairus Neal moved for a vote on the motion, but Lyman Cook, a Republican, moved the subject be laid on the table. His motion prevailed seventeen to sixteen with five Republicans voting with the Democrats to keep the motion from being tabled. Mr. Neal then proposed that the bill requiring Senate access to the Governor's correspondence be taken from the table and referred to a committee, but this also lost.²

On December 17, 1856, the Senate considered the House resolution dealing with the Kansas question. David Brigham, a Democrat, moved a substitute resolution very similar to what Winslow Barker had tried in the House; this called for federal protection of all persons living in Kansas and

¹6th SJH, January 6, 24, 1857, pp. 183-184, 454-458.

²Iowa, Legislature, Senate, Journal of the Senate of the Sixth General Assembly of the State of Iowa, December 3, 1856 (Iowa City: Peter Moriarty, state printer, 1857), p. 23. (Hereafter referred to as 6th SJS.)

urged that the people of Kansas be permitted to decide on the question of "domestic slavery". His substitute went a step further than Mr. Barker's in that his contained the following hope: "...that the people of Kansas will at a proper time organize and adopt for the government a constitution prohibiting the institution of domestic slavery...". His resolution lost on a straight party vote thirteen to nineteen.¹

The Democrats then attempted several amendments to H.F. 2 which lost by partisan votes. Samuel Kirkwood, a Republican, took the Democratic substitute resolution and moved to amend it adding that the establishment "...of human slavery or polygamy is not essential to the free enjoyment by them of the rights of self-government." W. A. Thurston, a Democrat, called for a division of the questions of slavery and polygamy, but the chair, controlled by the Republicans, ruled that the question was not divisible. The Democrats who might have been able to return to their constituents having shown a record of favoring free elections in the Territory of Kansas on the slavery question could not afford to be saddled with voting in favor of polygamy. When the amendment came up again on January 20, 1857, Henry Trimble, a Democrat, accentuated the deleterious nature of Mr. Kirkwood's amendment and moved to add after polygamy,

¹6th SJS, December 17, 1856, pp. 128-129.

"...Horse Stealing, Whiskey Drinking, Land Piracy, Murder, Arson, Counterfeiting, and Ignorance." Mr. Trimble's motion was laid on the table. The whole excursion with the substitute to H.F. 2 was allowable only because of Republican complicity in political hay making as they could have laid the substitute on the table at any point.

When the vote on H.F. 2 came, there was an unsuccessful attempt by James Test, a Democrat, to amend and have the Senators and Representatives from Iowa instructed to "...support the principal and acts of 1850," but the Republicans easily had the amendment laid on the table. H.F. 2 calling for admission of Kansas as a free state, was adopted on January 22, 1856, in the Senate by a strict party vote.¹

The Seventh General Assembly appeared loath to debate another resolution on Kansas. The resolution which passed the Sixth Session had occupied a great deal of time. The Seventh Session saw different bills come up in the House and Senate with a net result of no legislation passing the General Assembly in regard to Kansas.

James Wilson, a Republican in the House, introduced a resolution of instruction to the Senators and Representatives from Iowa concerning the admission of Kansas into

¹6th SJS, December 9, 10, 16, 18, 19, 1856, pp. 59, 68, 115, 127-131, 138, 151.

the Union as a free state on January 18, 1858. John Clark, a Democrat, moved to lay the bill on the table, have it printed and made a special order of business, but his motion failed thirty-three to thirty-five with all those opposed being Republicans. The bill came before the House as a Committee of the Whole and passed second reading forty to twenty-six; the following day it passed third reading thirty-nine to twenty-six, both were partisan party votes. The record of the bill in the Senate does not appear in that journal but there is notification of passage.¹

In the Senate, John Rankin, a Republican, introduced S.F. 10, a joint resolution hostile to the admission of Kansas to statehood under the Le Compton Constitution which was proslavery in nature. This resolution was read a first and second time and referred to the Committee on Federal Relations. The bill passed the Senate January 21, 1858, by twenty-two to twelve on a strict party vote. On January 22, 1858, the resolution was returned to the Senate with notice of having passed the House without amendment.² Notices in

¹Iowa, Legislature, House, Journal of the House of Representatives of the Seventh General Assembly of the State of Iowa, January 18, 21, 22, 1858 (Des Moines: John Teesdale, State Printer, 1858), pp. 81, 104, 107, 108. (Hereafter referred to as 7th SJH.)

²Iowa, Legislature, Senate, Journal of the Senate of the Seventh General Assembly of the State of Iowa, January 19, 20, 21, 22, 23, 1858 (Des Moines: J. Teesdale, State Printer, 1858), pp. 81-84, 90, 93, 96, 103, 105. (Hereafter referred to as 7th SJS.)

both houses indicated that both resolutions passed, but there was no record of their existence in Acts and Resolutions Passed at the Regular Session of the Seventh General Assembly. The fact that neither the House nor the Senate wanted to spend a great deal of time on Kansas but were anxious to move on the current national debate in the Dred Scott decision of the Supreme Court tends to show that with Republicans in control, they could move with rapidity or prolong debate with at least a partial eye on political consequences.

Looking back to the Fifth State Legislative session there were other issues regarding the disposition of Blacks which had been brought up.

In the Senate, Democrat James Love, introduced a joint resolution which passed all three readings on January 17, 1855. His bill, which was to pass both houses, called for Iowa's Senators and Representatives to use their influence to establish a regular line of steamers to enhance trade between the coast of Africa and the United States. The interest of the bill, however, was not to enhance trade but rather to encourage the American Colonization Society, "...in the accomplishment of their well-known and benevolent object--the civilization and christianization of Africa, and building up a home for the

colored populations of the United States."¹ The bill was to facilitate the shipping of free Blacks from the United States back to Africa.

The House on receiving the bill subjected it to greater scrutiny than the Senate because of its Whig majority. An attempt by Joshua Tracy, a Democrat, to suspend the rules and pass the bill through all three readings was countered by Micajah Williams, a Whig, calling for indefinite postponement. A vote was called for on Mr. Williams' proposal by a Democrat and the attempt to indefinitely postpone failed fifteen to forty-six. All fifteen voting for postponement were Whigs, however, twenty-one Whigs opposed such a move.

Jacob Rogers, a Whig who had just voted unsuccessfully to postpone, now moved to amend the bill to strike out, "any free negro (sic) and mulatto" and to insert, "...person not a native of the United States, who shall wish to return to the place of his nativity..." which would have provided some protection for Blacks not wishing to return to Africa. Mr. Tracy, who had previously tried to

¹Authorized Reprint of the Acts, Resolutions and Memorials Passed at the Regular Session of the Fifth General Assembly of the State of Iowa (Des Moines: Robert Henderson, State Printer, 1913), p. 190, (Hereafter referred to as ARM 5th GAS); See also Iowa, Legislature, Senate, Journal of the Senate of the State of Iowa, fifth session, January 17, 1855 (Iowa City: D. A. Mahony and J. D. Dorr, state printers, 1855), p. 221. (Hereafter referred to as 5th SJS.)

facilitate passage by a suspension of the rules now moved Mr. Rogers amendment to the table.

Samuel Russell, whose earlier resolution on slavery was to be left hanging at the end of the session, now moved that the bill on African Colonization be indefinitely postponed, but his attempt failed sixteen to fifty-three. Again, all sixteen favoring postponement were Whigs, but twenty-one Whigs voted not to postpone. The bill then moved to the final question of passage and on a vote of thirty-five to twenty-five the bill passed. On the final question of passage, twelve Whigs voted for passage, twenty-three opposed and five did not vote.¹

On the same date that the Colonization Resolution was approved, January 24, 1855, the Democrats met and set forth a platform plank that read, "That the efforts being made to colonize free negros (sic) in their native land, is a measure that commends itself to every philanthropist as being the only favorable plan for the ultimate accomplishment of the first wish of every friend of freedom."²

Thus, though the House was dominated by Whigs in the

¹Iowa, Legislature, House, Journal of the House of Representatives of the State of Iowa, fifth regular session, January 20, 1855 (Iowa City: D. A. Mahony and J. B. Dorr, state printers, 1855), pp. 379, 380. (Hereafter referred to as 5th SJH.)

²Fairall, p. 39.

Fifth State Legislature, they had accommodated the Democratic platform. It is true that the rationale used in the bill brought out ideas such as opening trade with Liberia as a source of profit, and the inability of stopping the slave trade from the colonies on the coast of Africa; however, the title of the bill belied its true intent--to remove numbers of free Blacks from the United States.

The Sixth General Assembly (December 1, 1856-January 20, 1857) with the debate over Kansas, provided grist for political platforms in 1857. The Republicans, meeting in Iowa City on August 19, 1857, covered much of the old familiar ground. They recognized that the repeal of the Missouri Compromise of 1820 by the Kansas-Nebraska Act had made the national domain the battleground between freedom and slavery advocates. Finally, they condemned the decision of the Supreme Court in the Dred Scott case as it overthrew the Missouri Compromise which they endorsed. There was even a proposal embodied in the Republican platform to remove U.S. soldiers from Kansas and send them to Utah where the authority of the United States was being openly defied.¹

The Seventh General Assembly was relatively quiet on the slavery issue. A bill which did cause partisan strife was S.F. 144, reported by Samuel Kirkwood, a Republican,

¹Fairall, pp. 42-46.

which raked the decision of the Supreme Court in the Scott versus Sanford case. The bill on a straight party vote passed the Senate twenty to twelve and was also to pass the House with ease. The joint resolution chose to treat escaped slaves as persons and not as slaves; as persons they were to be allowed to pay off a debt which was their value as lost property, but they would not be returned to slavery. "Resolved, That the State of Iowa will not allow slavery within her boundaries in any form or under any pretext, for any time however short, be the consequences what they may."¹

In a survey of selected national issues, regarding Blacks, party lines were clearly drawn and the politicians appeared to revel in the rhetoric of partisan politics.

There is, however, an emotional intensity that appears to grow more pronounced as the issues, national in scope become more sectional in nature. It was a difficult partisan issue to debate popular sovereignty and slavery extension with "bleeding Kansas" at the doorstep.

Issues in the national arena which once seemed trivial appeared later in a more solemn light. The Republicans

¹7th SJS, March 8, 17, 23, 1858, pp. 413, 555, 610, 614. See also Acts and Resolutions of the Regular Sessions of the Seventh General Assembly of the State of Iowa, reprint (Des Moines: J. Teesdale, State Printer, 1855), pp. 276-277. (Hereafter referred to as AR 7th GAS)

attempted to make light of the fact that Iowa was aloof from the armed struggle in Kansas, but abolitionists and the underground railroad were operating; there was no unanimity of opinion as to the wisdom of Iowa's involvement in Kansas.

As issues in national politics became more heated, the intensity of partisan politics in Iowa also seemed to become more acute. The Republican party came to control Iowa politics in 1856 and because of control of the legislature and all major state offices, was able to control legislation which served to accentuate party loyalties on national issues.

Chapter 4

CORRELATIVE NATIONAL POLITICAL ISSUES

Andrew Jackson's Fine

Throughout the period, 1838-1860, the journals of the House and Council of the Territory of Iowa and the House and Senate of the State of Iowa report intense partisan debate over contemporary national issues. Such debate resulted in no significant legislative action, but deserves study because the issue-orientation of both parties accentuated party loyalties.

One of the issues to find its way into the territorial legislature was a bill calling for repayment of a fine imposed on Andrew Jackson shortly after the Battle of New Orleans. A federal district judge, Dominick A. Hall, who had earlier been arrested by Jackson while New Orleans was under martial law, summoned Jackson to court, held him in contempt, and fined him \$1,000.¹ The Congress of the United States, some thirty years later was to repay the fine, principal and interest; however, it was also a topic for partisan debate in the state and territorial legislatures of the nation.

On February 10, 1843, in the Fifth Territorial House,

¹Robert V. Remini, Andrew Jackson (New York: Harper and Row, 1966), p. 76.

a bill was introduced "relative to the repayment of the fine imposed upon General Jackson." The bill did not come to the floor of the House for debate until 2:00 p.m., February 15, 1843, just three days before adjournment. The bill, H.R. 120, calling for the repayment of the fine by the Iowa territorial legislature was considered by a Committee of the Whole. The bill being reported to the House was amended by George Walworth, a Whig, who wanted inserted that, "...nothing contained in these resolutions shall be construed as to reflect any disrespect upon the conduct and decision of Judge Hall, in imposing said fine." His amendment lost twelve to fourteen with Whigs favoring the move and Democrats uniformly against.¹

Undeterred, Mr. Walworth softened his amendment to read that the resolution should not be construed "...as to express any opinion..." about Judge Hall's conduct or decision. His motion lost again by the same recorded vote. Paton Wilson, a Whig, moved to adjourn but that motion lost.

Thomas Rogers moved to suspend the rules and have a third reading of the bill; the vote was seventeen to nine, so the motion lost as it failed to obtain two-thirds necessary for a suspension of the rules. David Sales, a Whig,

¹Iowa, Legislature, House, Journal of the House of Representatives of the Fifth Legislative Assembly of the Territory of Iowa, February 15, 1843 (Iowa City: William Crum, 1843), pp. 328, 329. (Hereafter referred to as 5th THJ.)

moved to adjourn, but again this move lost. Mr. Rogers moved that the resolution be engrossed and be ordered to a third reading the following day; this passed sixteen to ten.¹

On February 16, 1843, when H.R. 120 was brought up for third reading, Frederick Andros, a Democrat, moved to amend the resolution by adding, "That we believe the fine imposed by Judge Hall on General Jackson, was uncalled for by the circumstances of the case, and was an act of injustice to the veteran hero, savoring of the spirit of vindictiveness and jealousy." After having made the motion to amend, he then asked leave to withdraw it which was granted eighteen to five. The move, considering Mr. Walworth's motions the preceeding day with regard to Judge Hall's actions, appeared as a Democratic attempt to inflame partisan passions.²

Isaac Lewis, a Whig, moved to amend by adding the statement: "...That the present Legislative Assembly pay General Jackson back the fine imposed on him by Judge Hall, and that each member of this Legislature pay his proportional part..." to which Abner Hackleman moved to amend the amendment: "Provided, the gentleman from Van Buren (Mr. Lewis) be employed to carry the same to General Jackson, and deliver the same without any compensation." His motion lost,

¹5th THJ, February 15, 1843, pp. 328, 329.

²5th THJ, February 16, 1843, p. 323.

and on a vote of one to twenty-two so did Mr. Lewis' amendment. On the question of passage; the bill, inaneities aside, passed nineteen to seven.¹

The bill was taken up in the Senate on the same day and on second reading John Cook, a Whig, moved to table, but this motion lost six to seven. Shepherd Leffler then moved the resolution to third reading the following day which passed eight to five. John Elbert, a Whig, later the same day moved the bill to third reading by a suspension of the rules which passed without a recorded vote; then, on his motion, the resolution was laid on the table.²

The bill had successfully negotiated both houses which was to be expected since Democrats controlled both, but then was left ignominiously to lie on the table--an interesting study in the creation and continuation of a partisan political issue.

The Sixth Territorial Legislature took up a resolution introduced in the House by Thomas Rogers, a Democrat, relative to the repayment of the fine imposed on General Jackson. The bill caused no partisan amendments this time,

¹5th THJ, February 16, 1843, p. 323.

²5th THJ, February 16, 1843, pp. 328, 329; see also Iowa, Legislature, Council, Journal of the Council of the Fifth Legislative Assembly of the Territory of Iowa, February 16, 1843 (Davenport: Alfred Saunders, Printer, 1843), pp. 176-177. (Hereafter referred to as 5th TCJ.)

and passed all three readings in three days with a final vote of twenty-one to three; three Whigs joined in support of the proposal.

The Senate received the resolution and the subject was moved to the table by Francis Springer, a Whig, subject to call. This motion passed seven to six. Francis Gehon, a Democrat, moved to bring the resolution from the table but this motion failed four to eight; this was on February 15, 1844. The bill was not taken from the table and thus it was essentially a dead issue.¹

February 16, 1844, a bill passed the national Congress for a remission of Jackson's \$1,000 fine plus interest which brought the total to some \$2,732 which Jackson was to accept, "...as a kind of vindication for his personal honor."²

The War With Mexico

The first Legislature of the State of Iowa found the Whigs in control of the House by a six vote majority while

¹Iowa, Legislature, Council, Journal of the Council of the Sixth General Assembly of the Territory of Iowa, February 2, 15, 1844 (Burlington: James G. Edwards, 1844), pp. 137, 140, 210, 215. (Hereafter referred to as 6th TCJ.); see also Iowa, Legislature, House, Journal of the House of Representatives of the Sixth Legislative Assembly of the Territory of Iowa, January 28, 29, 1844 (Dubuque: Wilson and Keesecker, Printers, 1844), pp. 148, 151, 173. (Hereafter referred to as 6th THJ.)

²Remini, Andrew Jackson, p. 186.

the Democrats controlled the Senate by three votes. Issues related to the war with Mexico provoked lively partisan debates between Whigs and Democrats.

The Democrats met on September 24, 1846, and strongly endorsed the war and denounced those opposed to it, comparing them to those who had opposed the War with Britain in 1812. One of the planks in their platform set forth the rationale for the war as "...repeated unjust aggression of the Mexican people and Mexican government [which have] long since called for a redress...." A second plank lauded "General Taylor and our little army," assuring them that "...they would not be exposed to a shot in their rear from Washington, like Scott."¹

The Whigs who met the following day touched on the war very briefly stating "...that the annexation of Texas is not a peaceful acquisition...." The Governor, Ansel Briggs, a Democrat, had declared the war was started by an act of Mexico.²

The legislature took up the issue with partisan gusto. It was James Davis, a Whig, who initiated a resolution, S.F. 6, dealing with the Mexican War. The resolution introduced

¹Herbert S. Fairall, ed., Manual of Iowa Politics (Iowa City: Republican Steam Printing House and Bindery, 1882), pp. 16-18.

²Ibid.

by Mr. Davis began with a Preamble of justification for the war with Mexico:

Whereas, our country is now involved in a war with the Republic of Mexico--a war unjustly forced upon the United States by innumerable outrages on the part of that republic--by the flagrant violations of the most solemn treaty stipulations--by her perfidious seizures and imprisonment of unoffending citizens of the United States, by her repeated insults of our national honor, and her gross indignities to those whom our Government is bound to protect from injury, and whose wrongs, when forbearance ceases to be a virtue, it is her duty to avenge; and finally, by her last crowning act of insolence, in the invasion of American soil and murder of American citizens, without the intervention even of a formal declaration of war...

After introduction and first reading, December 15, 1846, the Senate adjourned. On reconvening Milton Browning, a Whig, moved that the Preamble be referred to the Committee on Military Affairs. This motion failed, but the Whigs succeeded in tabling the resolution. A month later the Democrats brought it from the table for further consideration.¹

Mr. Browning then moved that a copy of the resolution be sent to Santa Anna, the Mexican commander. R. R.

¹James Davis is listed in the Iowa State Almanac and Statistical Register of 1860, as a Whig, but his voting behavior would tend to support the idea that he was a Democrat. The only difference that would be manifested with regard to the issue would be that the partisanship would be more pronounced [Iowa, Legislature, Senate, Journal of the Senate of the First General Assembly of the State of Iowa, December 15, 1846 and January 9, 1847 (Iowa City: A. H. Palmer, Printer, 1847), pp. 48, 83-84. (Hereafter referred to as 1st SJS.)]

Harbour, a Democrat, catching the spirit of the debate, moved, "...that Mr. Browning be a committee of one to convey said resolution, and that the army and navy of the State of Iowa form an escort." His motion lost without a recorded vote and Mr. Browning's lost one to sixteen. There were then several attempts to amend and to adjourn, all of which failed.¹

Francis Springer, a Whig, came back into the fray by moving to amend the preamble by adding the word "president," which caused the preamble to read: "Whereas, our country is now involved in a war with the Republic of Mexico--a war unjustly forced upon the United States by the President." This amendment lost seven to eleven as a straight party split. Mr. Sanford moved to make the Preamble less odious by striking out everything after the word "Mexico," but his proposal lost six to eleven with the Whigs favoring the move and Democrats opposed.

Then Francis Springer offered a substitute preamble and joint resolution. His substitute resolution acknowledged that the United States was engaged in a war with Mexico and called for a vigorous prosecution for "...a speedy and honorable termination to the war...." while also thanking the gallant officers and soldiers of the American army. James Davis, the original author of the resolution, would

¹1st SJS, January 8, 1847, p. 79.

have nothing to do with the substitute. When Springer's substitute bill was brought to a vote it lost seven to twelve on a straight party vote, except for Mr. Davis who voted against the substitute.

The Whigs were particularly disturbed by the fifth section regarding the president:

Resolved, that the ability and promptitude manifested by James K. Polk and his Cabinet in the prosecution of the existing war with the Mexican Republic, entitles them to the highest confidence and esteem of the people over whose destinies they have been called to preside.¹

A division of the question was allowed on each part of the resolution separately. All parts of the resolution were passed with bipartisan support (19-0, 15-4) except for the preamble (12-7) and section five (12-7) relating to President Polk; those two parts caused a strict party split.

Evan Jay, a Whig, tried to amend the title to read "A Joint Resolution in relation to Buncomb," but his motion lost two to sixteen. The bill then passed on to the House where the political affiliation was slanted toward the Whigs rather than toward the Democrats.²

S.F. 6 after first reading in the House survived an immediate attempt by William Cochran, a Whig, to table it.

¹1st SJS, January 9, 1847, p. 85.

²1st SJS, December 15, 1846, January 8, 9, 1847, pp. 45, 79-87.

His motion lost ten to twenty-three with all ten voting to table being Whigs; however, there was bipartisan support not to table. The bill was then tabled with the stipulation that it be made the order of the House at a specific future date.¹

When the bill was next considered on January 15, 1847, Elijah Sells, a Whig, moved to strike out the preamble and insert a preamble more in keeping with Whig principles--

Whereas our country is now involved in a war with Mexico--a war which the ex-President Martin Van Buren used his influence to avert--a war which the illustrious Senator Thomas H. Benton of Missouri, thought would be the inevitable result of the annexation of Texas, and which we believe is the main cause of the existence of said war with Mexico, and, whereas, notwithstanding the country is involved in a war, which better counsels might have avoided, still we deem it the bounden duty of every American to stand fast by his country, and render her every aid and comfort in his power in order the sooner to terminate said war.²

The Democrats, although in the minority, were not without a response. Irad C. Day, a Democrat, offered an amendment to the amendment "That the editors of all newspapers in Mexico be requested to give the preamble offered

¹Iowa, Legislature, House, Journal of the House of Representatives of the General Assembly of the State of Iowa, January 12, 1847 (Burlington: Printed at the Hawk-eye Office, 1847), p. 137. (Hereafter referred to as 1st SJH.)

²1st SJH, January 15, 1847, p. 154.

by the gentleman from Muscatine, as an amendment to the preamble and resolutions passed by the Senate, three insertions, and forward their bills to the House of Representatives of Iowa." His proposal lost seven to twenty-seven; he next moved to have the resolutions referred to the standing committee on Militia which was approved twenty-two to thirteen, all thirteen voting against being Whigs.¹

There were two reports delivered from the Committee on the Militia. The majority report heartily endorsed the passage of the Davis resolution as it came from the Senate. In their report they cited justifications for such resolutions from the War of 1812 when those states who did not pass such resolutions "...were charged at the time with a sympathy for, and an ambition to favor the cause of the enemy rather than that of their own country, which charge with lapse of time has almost ripened into an established conclusion." The Committee gave a history of events leading up to the war, as well as vigorous support for the war by Whigs. The Committee report in essence made it appear traitorous not to support the resolutions.² Stewart Goodrell moved the report tabled subject to a call of the House which was agreed on a seventeen to fourteen partisan vote.

¹1st SJH, January 15, 1847, p. 155.

²1st SJH, February 15, 1847, pp. 302-305.

Samuel Olmstead of the Committee on the Militia made two attempts to call up S.F. 6 and was successful on his second call, February 22, 1847, which was just three days prior to the end of the session. Nelson King, a Whig member of the Committee on the Militia obtained permission to present the minority report of the committee which differed from the majority insofar as they did not want the Senate resolution adopted because they could not abide the part which "...extols the acts of the President and his cabinet...." They presented a substitute which was very nearly that offered by Elijah Sells earlier in the session.¹

Mr. Sells moved to have the House concur in the minority report and immediately George Montague, a Democrat, moved to have the House concur in the majority report. The House disposed of Mr. Montague's motion by a partisan vote, seventeen to nineteen, and the question then moved to Mr. Sells' motion.

William Cochran, a Whig, moved to add an additional resolution to the minority report. "Resolved, That in case of any acquisition of Territory to the United States at the termination of said war, and the establishment of peace between the two nations, it is earnestly recommended that the evil of slavery or involuntary servitude...be forever prohibited within the limits of said acquired territory." The

¹1st SJH, February 22, 1847, pp. 376-377.

House adopted the addition of the resolution twenty-six to nine. While all nine voting against the proposal were Democrats, seven anti-slavery Democrats voted to support the resolution.¹

As happened in the Senate, the House chose to consider each section of the resolution separately and the first three parts passed with only Samuel Olmstead voting against section one and two. The first three sections called for "peace on honorable terms," a declaration that peace was only possible through a vigorous prosecution of the war, and then extended thanks to the army for their efforts.²

William Lyons, a Democrat, prior to the vote on the preamble, moved to amend by striking the words "Which better counsel might have avoided." This was approved nineteen to seventeen with four Whigs voting with the Democrats to strike the offending words. A motion by Irad Day that the whole preamble be stricken, however, lost seventeen to eighteen with the Whigs refusing to bend quite that much. On the question of final passage of the preamble the House split strictly along party lines, twenty favoring and

¹1st SJH, February 22, 1847, pp. 377-379.

²Ibid.

fifteen against.¹

For all of the debate created, the partisan feelings generated and party spleen vented, S.F. 6 and its substitute in the House, H.R. 31, died. They presented the parties with an issue; legislators now became florid in presenting their case to the people, but nothing of substance was done. Passage of the resolution would have done little substantive good anyway since the war was already in progress.

On June 11, 1847, the Democrats in Iowa adopted at their convention a platform which concentrated principally on giving a ringing endorsement of President Polk, pushing the idea that the United States became engaged in the war against her will and villifying the Whigs. "...we indignantly repel the charge made by the Whig press and the Whig leaders, that the war is one of aggression and conquest." They appeared undeterred by the fact that the majority report of the Committee of the Militia in the House during the First Regular Session pushed the idea that Whigs were endorsing the Mexican campaign.² The Whigs met but did not pass any resolutions in 1847.

Iowa Whigs in convention on May 11, 1848, took a last

¹1st SJH, February 22, 1847, p. 380.

²Fairall, pp. 19-20.

swipe at James K. Polk when they called his elevation to the presidency a "sad mishap for the American government...." They thereby implied that the war with Mexico was brought on by the chief executive. The issue was to cease with the inauguration of a Whig president, Zachary Taylor, in 1849.¹

¹Fairall, p. 22.

Chapter 5

CONCLUSIONS

This study of the two-party system in Iowa from 1838 to 1860 has identified a marked difference between the belief systems of the Democratic and Whig parties and later the Democratic and Republican parties. The contrasting belief systems were manifested in the voting behavior of the two parties on specific legislative issues. That the population of Iowa accommodated these divergent beliefs and provided representation, albeit lopsided, of those parties in her legislative bodies served to give the issues an airing in the political arena.

Some of the issues studied were desultory; such was the case in the debates over Jackson's fine. That issue served primarily as a means of inflaming partisanship and venting political emotions.

The legislation on Blacks in Iowa, however, gives a clear picture of party cleavage on an issue of emotional intensity which split the nation and the political parties during the pre-Civil War period. Iowa politicians appeared to struggle with the issue both as a sectional matter within the state as well as a divisive party issue. From the Black Code drawn up in Iowa's First Territorial Legislature, through the debates over admitting the evidence of Blacks in trials involving white defendants, Iowa's two political

parties appeared to hold a fairly uniform position whether Democrat, Whig or Republican.

The two parties also took definite stands on the banking issue during the territorial and early statehood period. And these stands derived from a significant ideological cleavage on the issue. Democrats in Iowa were anti-bank and thereby revealed their commitment to the Jacksonian tradition. This position showed itself most clearly on the issue of the Miners Bank of Dubuque. On the same issue the Whigs tended to be pro-bank.

It is necessary to look at the banking question with care, however. It was primarily banks-of-issue, and specifically the Miners Bank of Dubuque, that drew the intense hostility of the "radical" Democrats in Iowa. There was an accommodation to a banking system in Iowa, even when the state was under Democratic leadership.

There are other areas that could be profitably explored to further enlighten the Iowa political stage during the territorial and early statehood periods. Some of these areas are the voting behavior of the two parties on the issues of statehood, common schools, the Indian question and the adoption of Iowa's constitutions. The format for such debates would have been set by the political parties. There was more than just a scramble for office manifested by the political parties; they represented a fairly consistent ideological pattern which served to give Iowans a real choice on many issues.

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APPENDIX

Map 1

Voting in the Council on H.R. 97
a Bill to regulate Blacks and mulattos

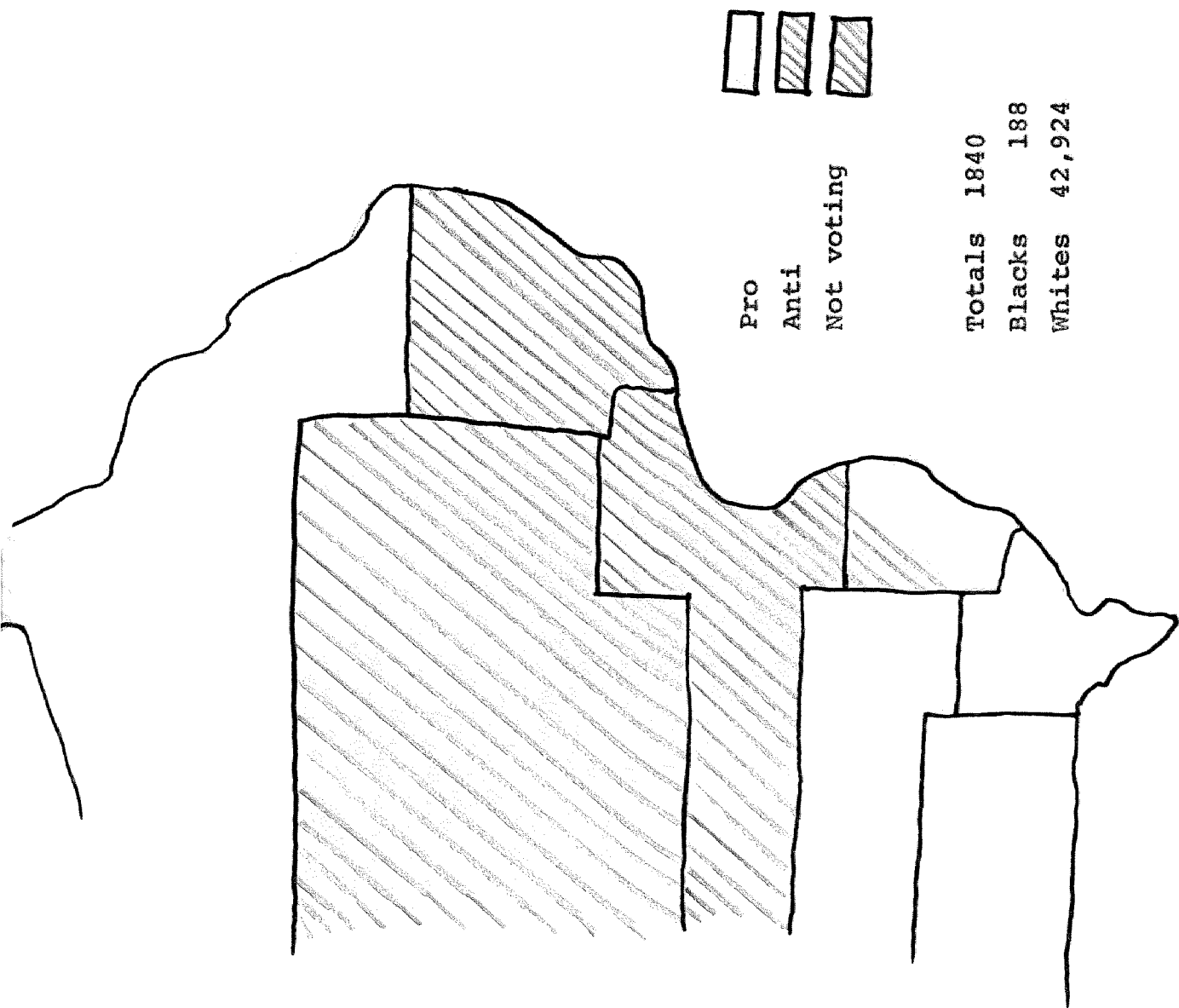


Table 1

Iowa Senate Scale of Voting on S.F. 61, A Joint Resolution
Instructing Iowa's Senators and Representatives to Exert
Their Influence in Favor of a Law Prohibiting the
Introduction of Slavery in Territories Where it
Was not Already Recognized at the Time of its
Cession to the United States.
Iowa, State Senate, 1849.

Representative Party Score			Pro			Anti-		
			1 (Y) ^a	2 (Y) ^b	3 (Y) ^c	1A (N) ^a	2A (N) ^b	3A (N) ^c
John G. Cook	W	0	X	X	X			
Evan Jay	W	0	X	X	X			
John F. Sanford	W	0	X	X	X			
Francis Springer	W	0	X	X	X			
James Sprott	W	0	X	X	X			
Loring Wheeler	W	0	X	X	X			
George Wright	W	0	X	X	X			
Thomas Espy	D	1			X	X	X	
John Howell	D	1			X	X	X	
Barney Royston	D	1			X	X	X	
John J. Sellman	D	1			X	X	X	
Freeman Alger	D	2				X	X	X
Philip Bradley	D	2				X	X	X
Phineas Sassaday	D	2				X	X	X
R. R. Harbour	D	2				X	X	X
John G. Shields	D	2				X	X	X

coefficient of reproducibility

D=Democrat W=Whig Y=yea N=nay

^aIssue 1. Yea on a motion by Cook to amend "Resolved that our Senators and Representatives are hereby instructed to prevent by their votes and influence the admission of any new state into the Union as a slave state." Yea-7, Nay-9. (Iowa State, Journal of the Senate, 2nd Legislative Assembly, 1849-50, p. 189.)

^bIssue 2. Yea on a motion by Cook to amend "Resolved; That it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery wherever that

Table 1 (Continued)

Government possesses constitutional authority to legislate on that subject and it is thus responsible for its existence." Yea-7, Nay-9. (Iowa State, Journal of the Senate, 2nd Legislative Assembly, 1849-50, p. 189.)

- ^cIssue 3. Yea on a motion by Espy to have a third reading of the resolution and passage; "Resolved that whenever Congress shall be required to act upon the question of slavery in any of the territories now free and belonging to the United States, our Senators be instructed and our Representatives requested, to exert their influence in favor of a law prohibiting the introduction of the institution of slavery within any such territory." Yea-11, Nay-5. (Iowa State, Journal of the Senate, 2nd Legislative Assembly, 1849-50, pp. 189, 404.)

Map 2

Voting in the Senate on a Bill to prohibit
Federal Involvement in allowing spread to
slavery into the territories

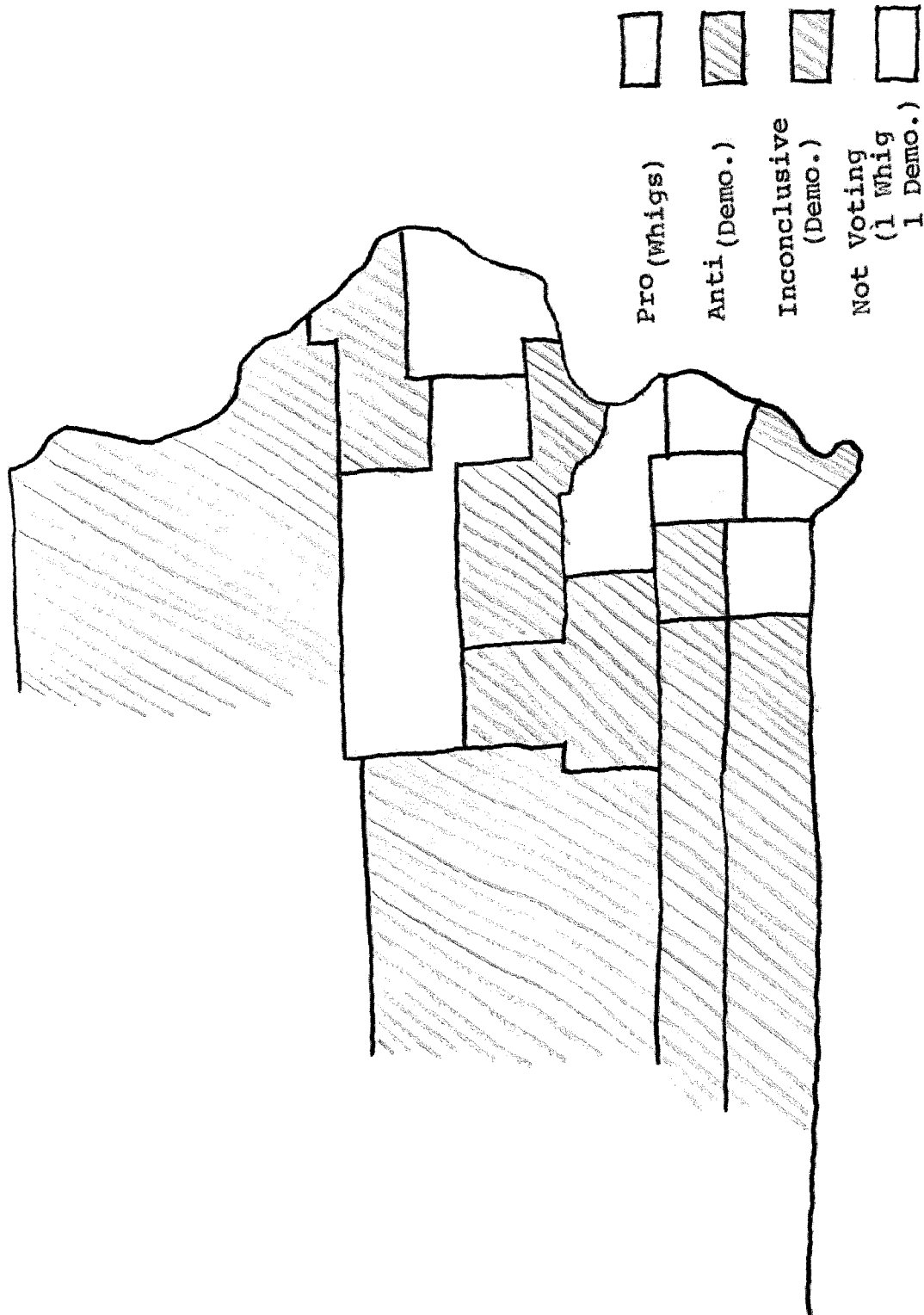


Table 2

Iowa House Scale of Voting on S.F. 61, A Joint Resolution
 Instructing Iowa's Senators and Representatives to Exert
 Their Influence in Favor of a Law Prohibiting the
 Introduction of Slavery in Territories Where it
 Was not Already Recognized at the Time of its
 Cession to the United States.
 Iowa, State House, 1849.

Representatives	Party	Score	N	Y	Y	N
			1 ^a	2 ^b	1A ^a	2A ^b
			Anti		Pro	
John Alexander	D		X	X		
Lysander Babbitt	D		X	X		
William Baker	D		X	X		
James D. Bourne	D		X	X		
Andrew Collins	D		X	X		
John L. Corse	D		X	X		
George Davidson	D		X	X		
Willard Elmer	D		X	X		
John D. Evans	D		X	X		
Joseph H. Flint	D		X	X		
Manly Gifford	D		X	X		
Joseph E. Harrison	D		X	X		
William Jacobs	D		X	X		
John Penny	D		X	X		
William C. Read	D		X	X		
Reuben Riggs	D		X	X		
Nathan G. Sales	D		X	X		
Thomas L. Sargent	D		X	X		
Michael H. Walker	D		X	X		
George Weyland	D		X	X		
Smiley H. Bonham	D			X	X	
Isaac W. Griffith	D			X	X	
Dennis A. Mahoney	D			X	X	
Cave J. McFarland	D			X	X	
Samuel Norton	D			X	X	
Sidney Wood	D			X	X	
Jeremiah C. Betts	R				X	X
William M. Allison	W				X	X
Mark Borroughs	W				X	X
Stewart Goodrell	W				X	X
Abner H. McCrary	W				X	X
Josiah W. McManaman	W				X	X
George D. Stephenson	W				X	X
Abraham Timmons	W					

Table 2 (Continued)

Representatives	Party	Score	N	Y	Y	N
			1 ^a	2 ^b	1A ^a	2A ^b
Wright Williams	W				X	X
Samuel Woodworth	W				X	X
H. R. Thompson	W				X	X

Coefficient of reproducibility=

D=Democrat R=Republican W=Whig

^aIssue 1. Yeas on the question of whether to take the Joint Resolution on slavery in the territories from the table for debate, this would have required that the question be directly confronted. Yea-16, Nay-21. (Iowa State, Journal of the House of Representatives, 1849-50, pp. 367-368.)

^bIssue 2. Nay on a motion by McFarland, to take S.F. 61 "A Joint Resolution on New Territories" and to make it the special order of the day, in Committee of the Whole House. This would place the bill before the Whole House for discussion but does not take the bill from the table for a third vote as it is still technically in committee. Yea-27, Nay-10. (Iowa State, Journal of the House of Representatives, 1849-50, p. 367.)

Map 3

Voting in the House on S.F. 61, a bill to prohibit
Federal involvement in allowing spread of
slavery into the territories

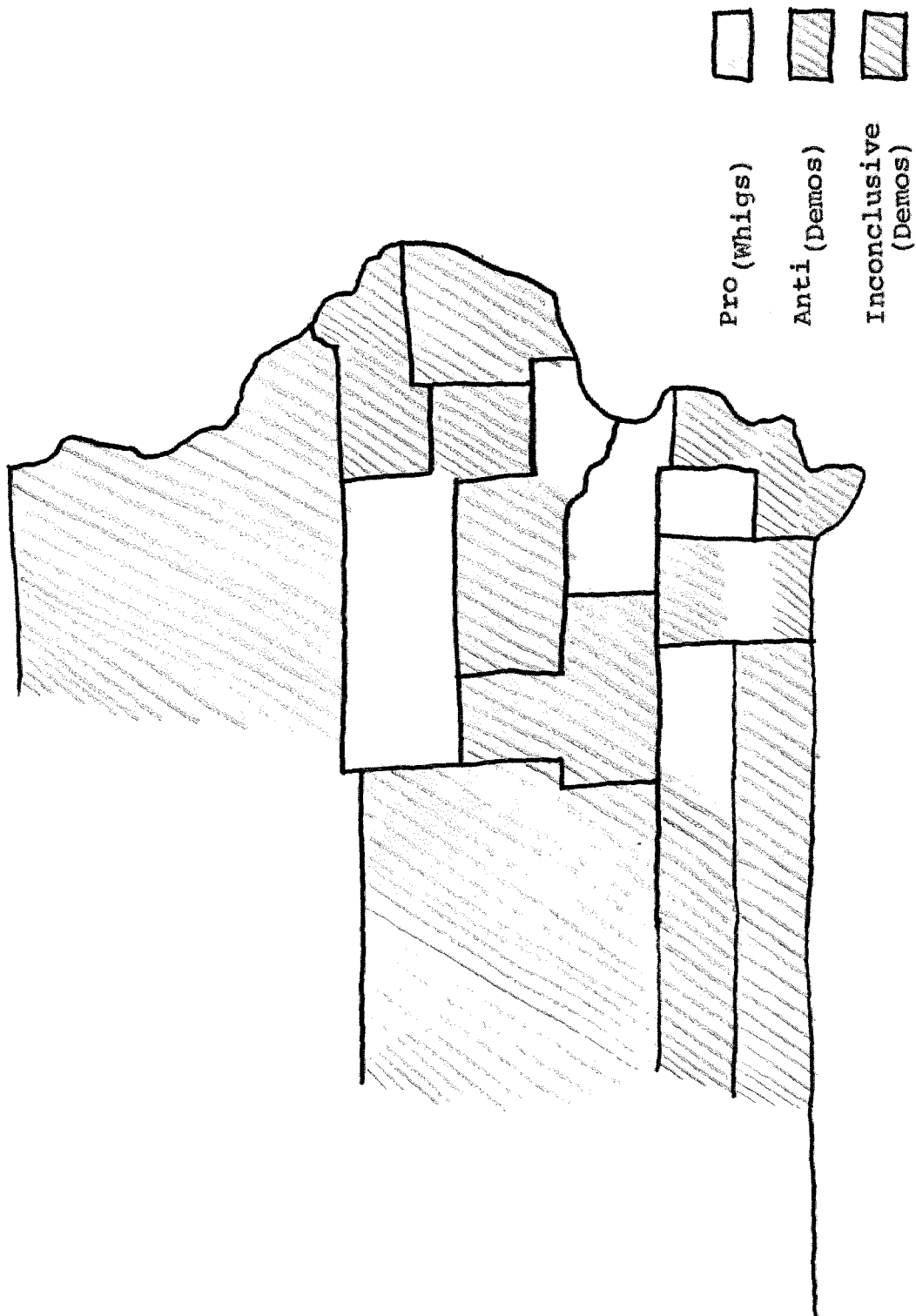


Table 3

"A Bill to Prohibit the Immigration of Free Negroes [sic]
into This State." Scale of Legislative Actions on
the Bill in the Iowa State House of
Representatives, 1851.

Representatives	Party	Anti							Pro						
		Y 1	Y 2	Y 3	N 4	N 5	Y 6	Y 7	N 1	N 2	N 3	Y 4	Y 5	N 6	N 7
Eliphalet Price	W	X	X	X	X	X	X	X							
Abner H. McCrary	W	X	X	X	X	X	X	X							
Peyton Wilson	D	X	X	X	X	X	X	X							
Andrew Gamble	W	X	X	X	X	X	O	X							
David Bunker	W	X	X	X	X	X	X								X
Abraham Updegraff	W	X		X	X	X	X	X	X						
George C. Allender	D	X		X	X	X	X	X	X						
Chauncy Dibble	D	X		X	X	X	X	X	X						
Isaac M. Preston	D	X		X	X	X	X	X	X						
Smith Hamill	D	X	X	X	X	X	X								
John E. Goodenow	D	X		X	X				X			X	X	X	
E. S. McCullouch	D	X		X		X			X		X		X	O	
John Thompson	D	X		X	X				X			X	X	X	
Adolphus Salmon	D	X	X								X	X	X	X	X
William Harper	D			X	X				X	X			X	X	X
Charles Negus	D					X		X	X	X	X		X		
Gilman Folsom	D				X				O	O	X		X	X	X
Ruben Riggs	D								X	X	O	O	O	O	O
Lysander Babbitt	D					X			X	X	X	X		X	X
Theophilus Crawford	D					X			X	X	X	X		X	X
A. K. Eaton	D					X			X	X	X	X		X	X
Hugh Gildea	D					X			X	X	X	X		X	X
Edwin Guiberson	D					X			X	X	X	X		X	X
John Parvin	D				X				X	X	X		X	X	X
Samuel Riggs	D					X			X	X	X	X		X	X
George Temple	D					X			X	X	X	X		X	X
Joseph H. Flint	D					X			X	X	X	X		X	X
R. R. Harbour	D								X	X	X	X	X	X	X
William Haun	D								X	X	X	X	X	X	X
William Jacobs	D								X	X	X	X	X	X	X
Andrew Major	D								X	X	X	X	X	X	X
Thomas McCulloch	D								X	X	X	X	X	X	X
Moses Robinson	D								X	X	X	X	X	X	X
Laurel Summers	D								X	X	X	X	X	X	X
Goodwin Taylor	D								X	X	X	X	X	X	X
Richard Wychoff	D								X	X	X	X	X	X	X

Coefficient of Reproducibility =

Table 3 (Continued)

Note: D=Democrat, W=Whig, Y=Yea, N=Nay, O=not voting.

- ^aIssue 1. Yea on a motion by Gamble "...to refer to a committee of one with instructions not to report at the present session." Yeas-14, Nays-21. (Iowa State, Journal of the House of Representatives, 3rd Legislative Assembly 1850-51, p. 275.)
- ^bIssue 2. Yea on a motion by Hamill to amend by striking out a part of section two requiring the jailing of free negroes (sic) "...to the jail of the county or the nearest one thereto, until such fine and costs are paid (two dollars a day for each day they remain in the state after being given notice to leave) or until he will consent to leave the state; provided, it shall be ascertained that he or she is unable to pay such fine and costs." Yeas-7, Nays-28. (Iowa State, Journal of the House of Representatives, 3rd Legislative Assembly 1850-51, p. 275.)
- ^cIssue 3. Yea on a motion by Riggs to move the previous question which was "...will the House strike out all after the enacting clause." Yeas-14, Nays-21. (Iowa State, Journal of the House of Representatives, 3rd Legislative Assembly, 1850-51, p. 299.)
- ^dIssue 4. Nay on the question shall the bill pass. Yea-20, Nay-15. (Iowa State, Journal of the House of Representatives, 3rd Legislative Assembly, 1850-51, p. 299.)
- ^eIssue 5. Nay on a motion by Price to change the title of the bill prohibiting the immigration of free negroes (sic) into the state to, "an act of the General Assembly of the State of Iowa, declaring in certain cases, so much of the constitution of this state as reads, 'all men are by nature free and independent and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and pursuing and obtaining safety and happiness.'" Folsom moved to lay the amended title on the table which lost Yea-15, Nay-19. (Iowa State, Journal of the House of Representatives, 3rd Legislative Session, 1850-51, p. 300.)

Table 3 (continued)

- ^fIssue 6. Yea on the question of adopting the amended title. Lost Yeas-9, Nays-25. (Iowa State, Journal of the House of Representatives, 3rd Legislative Session, 1850-51, p. 300.)
- ^gIssue 7. Yea on a motion by Gamble "That the sum of five thousand dollars be and is hereby annually appropriated to The American Colonization Society for the purpose of colonizing the free blacks of this state on the west coast of Africa, and the auditor of the state is hereby authorized and required to audit and draw a warrant on the treasurer for the same." Yeas-9, Nays-26. (Iowa State, Journal of the House of Representatives, 3rd Legislative Session, 1850-51, p. 298.)

Map 4

Voting in the House on a Bill to prohibit the
Immigration of free Negroes into the State

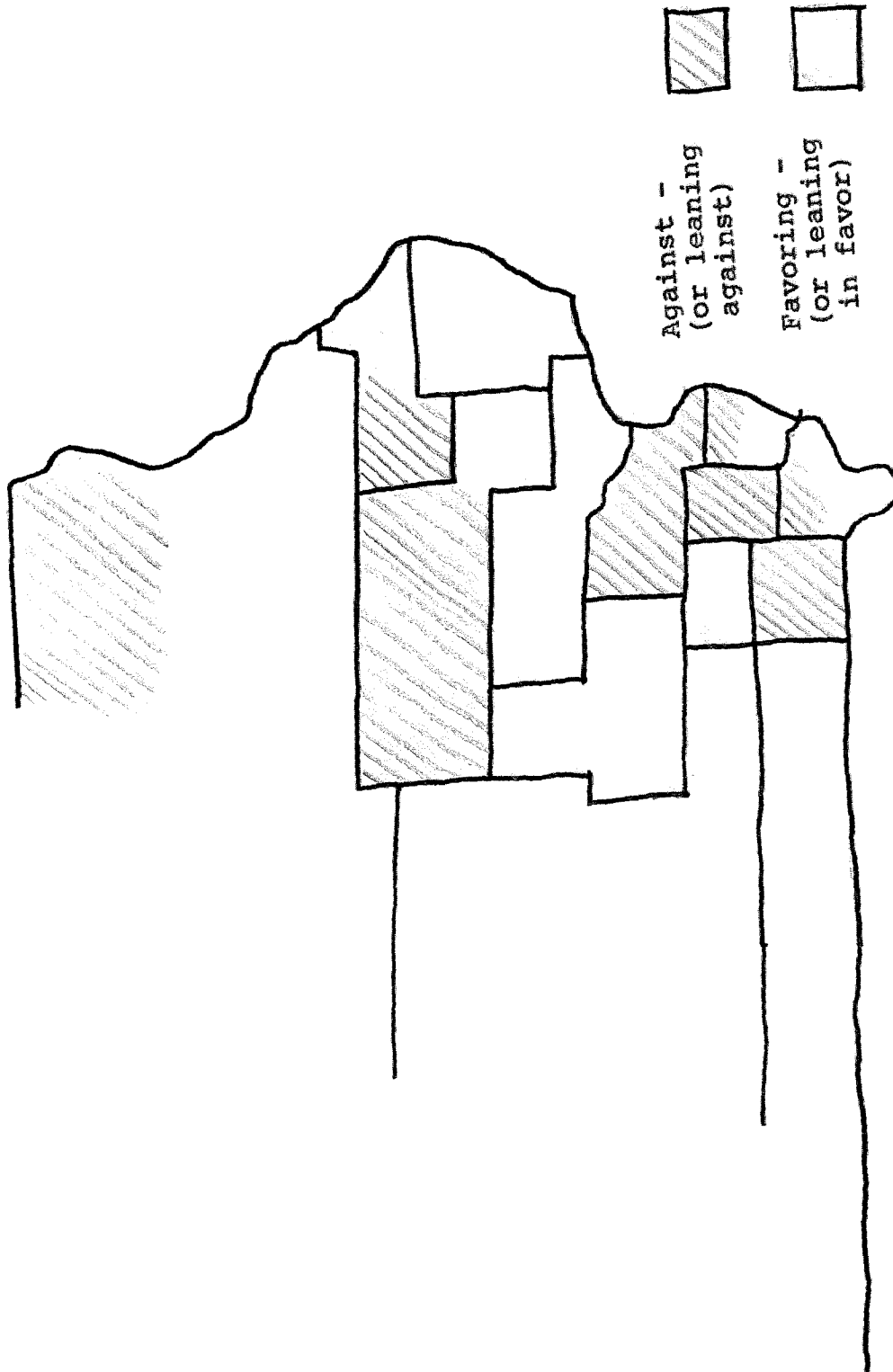


Table 4

"A Bill to Prohibit the Immigration of Free Negroes [sic] into the State." Scale of Legislative Actions on the Bill in the Iowa State Senate, 1851.

Senator	Party	Score	Anti		N ₁ ^a	Pro	
			Y ₁ ^a	N ₂ ^b		Y ₂ ^b	N ₂ ^b
John Cook	W		X	X			
Norman Everson	W		X	X			
John T. Morton	W		X	X			
George Wright	W		X	X			
Nathan Baker	D		X	X			
John Selman	D		X	X			
John B. Spees	W		X				
Nathan Sales	D			X	X		
Enos Lowe	D				X		
Alger Freeman	D				X	X	
Phineas Casady	D				X	X	
Thomas Espy	D				X	X	
Henry Hendershott	D				X	X	
George Hepner	D				X	X	
John Howell	D				X	X	
William Leffingwell	D				X	X	
John G. Shields	D				X	X	
Joseph Lowe	D				X	X	

Coefficient of reproducibility=

Note: D=Democrat, W=Whig, 0=absent and not voting

^aIssue 1. Yea on a motion by Baker to indefinitely postpone the bill. Yeas-7, Nays-11. (Iowa State, Journal of the Senate, 1850-51, p. 267.)

^bIssue 2. Nay on a motion by Howell on the question of passage. Yeas-9, Nays-7. (Iowa State, Journal of the Senate, 1850-51, p. 295.)

Map 5

Voting in the Senate on a Bill to prohibit
Immigration of free Negroes into the State

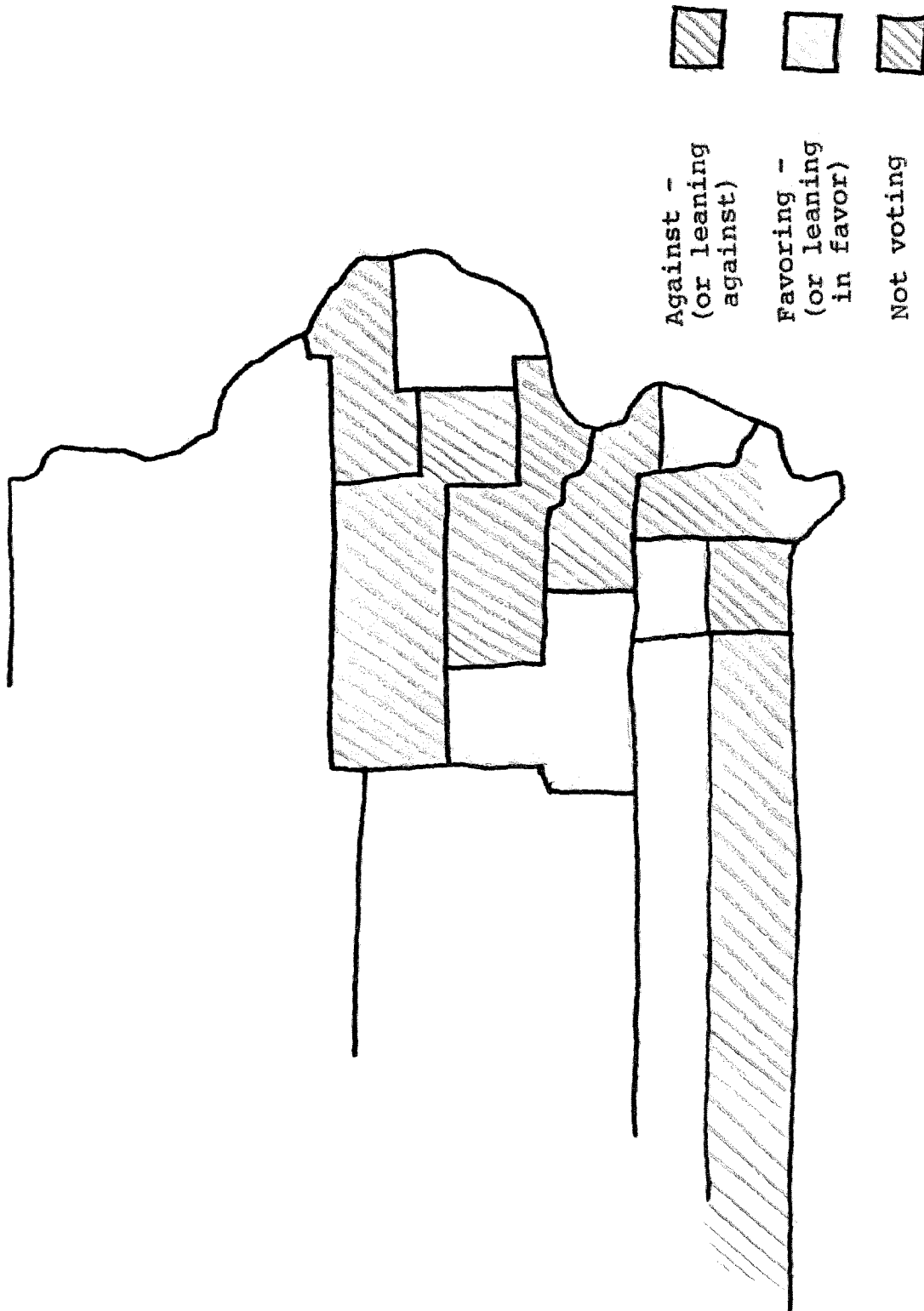


Table 5

A Scale of Voting Behavior on S.F. 20 Allowing Negroes to
Give Evidence in Trials Involving Whites.
Senate, 6th Legislative Assembly.

Senators	Party	Score	Anti				Pro			
			Y ^a 1	N ^b 2	N ^c 3	Y ^d 4	N ^a 1	Y ^b 2	Y ^c 3	N ^d 4
Jairus Neal	D		X	X	X	X				
James D. Test	D		X	X	X	X				
W. A. Thurston	D		X	X	X	X				
David Brigham	D			X	X	X	X			
William Coolbaugh	D			X	X	X	X			
Exum McCullough	D			X	X	X	X			
James Ramsey	D			X	X	X	X			
William Stewart	D			X	X	X	X			
Henry Trimble	D			X	X	X	X			
John Warner	D			X	X	X	X			
Joseph Birge	D		X			X		X	X	
Lyman Cook	D		X			X		X	X	
Samuel Dale	D			X	X	X				
George Wilkinson	KN			X			X			
William Loughridge	R						X	X		X
Dan Anderson	R						X	X	X	X
Jeremiah Atkins	R						X	X	X	X
Aaron Brown	R						X	X	X	X
Henry Carter	R						X	X	X	X
Jonathan Cattell	R						X	X	X	X
H. T. Cleaver	R						X	X	X	X
Charles Foster	R						X	X	X	X
Josiah Grinell	R						X	X	X	X
William Hamilton	R						X	X	X	X
James Hogin	R						X	X	X	X
Jeremiah Jenkins	R						X	X	X	X
James C. Jordan	R						X	X	X	X
Samuel Kirkwood	R						X	X	X	X
Julius Matthews	R						X	X	X	X
George McCoy	R						X	X	X	X
Abner McCrary	R						X	X	X	X
M. L. McPherson	R						X	X	X	X
William Reed	R						X	X	X	X
Alvin Saunders	R						X	X	X	X

Coefficient of Reproducibility=

Note: D=Democrat, KN=Kansas-Nebraska, R=Republican,
0=absent and not voting

Table 5 (Continued)

- ^aIssue 1. Nay on a motion by Neal to indefinitely postpone S.F. 20 allowing Blacks to give evidence. Yea-12, Nay-18. (Iowa State, Journal of the House of Representatives, 1856-57, p. 94.)
- ^bIssue 2. Yea on a call to have the third reading of the bill on the following day. Yeas-21, Nays 13. (Iowa State, Journal of the House of Representatives, 1856-57, p. 94.)
- ^cIssue 3. Yea on the question of final passage in the Senate. Yea-19, Nays-13. (Iowa State, Journal of the House of Representatives, 1856-57, pp.107, 108.)
- ^dIssue 4. Nay on a motion by Neal to offer a substitute title to the bill, "A bill for an act to equalize the white, the black and the mongrel races." Kirkwood called for a record of the vote. Yeas-3, Nays-29. (Iowa State, Journal of the House of Representatives, 1856-57, p. 108.)

Table 6

Miners' Bank Charter Repeal Scale, Iowa Territory,
House of Representatives, 1843-1844

Representative	Party	Anti								Pro							
		Y ^a	Y ^a	N ^b	N ^b	Y ^c	N ^c	Y ^d	Y ^d	Y ^e	Y ^e	N ^f	N ^f	Y ^g	Y ^g	Y ^h	Y ^h
Hardin Nowlin	D	X	X		X	X	X	X	X				X				
Abner Hackleman	D	X	X	X				X	X	X				X	X		
John Johnson	D	X	X	X		X	X	X	X				X				
John Wright	D	X	X	X				X	X	X				X	X		
Josiah Bonney	D		X	X	X	X	X	X	X		X						
Ed Fay	D			X	X	O	O	O	X		O	O					
William Thompson	D			X	X	X	X	X			X	X					X
Robert Smyth	D			X	X	X	X	X	X		X	X					
Thomas Rogers	D			X	X	X	X	X	X		X	X					
George McCleary	D			X	X	X	X	X	X		X	X					
John Culbertson	D			X	X	X	X	X	X		X	X					
Samuel Borland	D			X	X	X	X	X	X		X	X					
Thomas Baker	D			X	X	X	X	X	X		X	X					
John Brophy	D				X	X	X	X	X		X	O	X				
James Carleton	D				X	X	X	X	X		X	X	X				
Joseph Roberts	D				X	X	X	X	X		X	X	X				
John Foley	D				X	X	X	X	X		X	X	X				
James Wray	D					X	X	O			X	X	O	O	O		
James Brierly	D						X	X			X	X	X	X	X	X	
George Walworth	W							X			X	X	X	X	X	X	X
Paton Wilson	W										X	X	X	X	X	X	X
William Steele	W										X	X	X	X	X	X	X
H. Robb	W										X	X	X	X	X	X	X
G. C. R. Mitchell	W										X	X	X	X	X	X	X
Alfred Hebard	W										X	X	X	X	X	X	X
James Grimes	W										X	X	X	X	X	X	X
Coefficient of reproducibility																	

Note: D=Democrat, W=Whig, N=Nay, Y=Yea, O=absent or not voting.

^a Issue 1. Yea on a motion by Hackleman to amend No. 1, H.R. File, "repeal of the charter of the Miners' Bank of Dubuque" by inserting the following after the enacting clause: "That the Stockholders of the Miners' Bank of Dubuque, be and they are hereby required to redeem and pay specie for all notes issued by said bank, that may be presented at their counter within thirty days after the

passage of this act, and continue at all times thereafter to pay specie when called for, and if they refuse so to do, then said charter shall be wound up according to the provisions of this act.

"Provided, That unless the stockholders of said bank shall within thirty days after the passage of this act, mortgage to the Territory of Iowa, four hundred thousand dollars worth of real estate, lying and being situated in the Territory of Iowa, which shall be valued at a fair value, to secure the payment of the notes that are, or may be hereafter issued by said bank, and that the judge of the Third Judicial District have power, and it is hereby made his duty to appoint three disinterested Commissioners to value said land under oath, to the best of their judgment, who shall take and receive said mortgage in the name of the Territory of Iowa, and that they have the same made a matter of record in the Recorder's Office of the County of Dubuque, in said Territory, and that said bank pay all charges for the same, and further, it shall be the duty of said Commissioners, to examine into the affairs of said bank, and report to the said Judge every three months." Yeas-4, Nays-21. Iowa Territory, Journal of the House of Representatives, 6th Legislative Assembly, 1843-44, p. 75.

- ^oIssue 2. Yea on a motion by Hackleman to amend a motion by Grimes. Grimes moved that No. 1, H.R. File, "repeal of the charter of the Miners' Bank of Dubuque," be amended by inserting after the enacting clause the following (essentially a new bill): First, the bank should resume specie payments within thirty days after the passage of the bill; second, that in case of failure to comply with the first provision, the District Attorney should sue out a writ of quo warranto against the bank and prosecute the same to final judgment; third, provision was made that in case the bank did resume and afterward at any time failed to pay its "legal liabilities in gold and silver coin, it shall be the imperative duty" of the District Attorney to proceed as directed in the second section.

Hackleman attempted to amend the motion of Grimes by the addition of a clause substantially the same as the "land mortgage clause" (see Issue 1) brought up before. Yeas-5, Nays-20. Iowa Territory, Journal of the House, p. 76.

- ^cIssue 3. Nay on a motion by Nowlin: "Whereas, information has been received, that there are now in circulation in the counties of Dubuque, Jackson and etc., Memorials to the Legislature, relative to the Dubuque Bank: Therefore Resolved the Bill [No. 1, H.R. File] be laid on the table until Jan. 2 next year [1844]." Yeas-13, Nays-12. Iowa Territory, Journal of the House, p. 28.
- ^dIssue 4. Nay on the question of whether to accept amendments to No. 1, H.R. File, "repeal of the charter of the Miners' Bank of Dubuque," proposed by the Council (amendments substituted specie resumption for repeal). Yeas-11, Nays-14. Iowa Territory, Journal of the House, p. 122.
- ^eIssue 5. Yea on a motion by Rogers that No. 1, H.R. File (just returned by the Council), "be laid on the table until Tuesday, January 30, [1844]." Yeas-14, Nays-10. Iowa Territory, Journal of the House, pp. 115-16.
- ^fIssue 6. Nay on the question of passage of Grimes's amendment to No. 1, H.R. File, "repeal of the charter of the Miners' Bank of Dubuque." Grimes's amendment read as follows: First, the bank should resume specie payments within thirty days after the passage of the bill; second, that in case of failure to comply with the first provision, the District Attorney should sue out a writ of quo warranto against the bank and prosecute the same to final judgment; third, provision was made that in case the bank did resume and afterward at any time failed to pay its "legal liabilities in gold and silver coin, it shall be the imperative duty" of the District Attorney to proceed as directed in the second section. Johnson moved and Grimes accepted as a part of his amendment the following: "If the bank at any time hereafter, refuses to redeem, in the legal coin of the United States, all its notes or liabilities, the person holding such notes or liabilities, may proceed against, and collect the same out of the private property of the Stockholders of said Bank in the same manner as individual debts are collected under the laws of the Territory." On the whole amendment: Yeas-8, Nays-17. Iowa Territory, Journal of the House, p. 79.

- ^gIssue 7. Yea on the question of whether No. 1, N.R. File, "a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," should pass. Yeas-18, Nays-7. Iowa Territory, Journal of the House, pp. 84-85.
- ^hIssue 8. Yea on a motion by Rogers that No. 1, H.R. File, "a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," be referred to a committee of the whole and be made the order of the day for Monday next (another motion by Grimes referring to the Judiciary Committee had been made). Yeas-18, Nays-7. Iowa Territory, Journal of the House, p. 19.

Source: Erling A. Erickson, Banking in Frontier Iowa 1836-1865 (Ames: The Iowa State University Press, 1971), pp. 125-129.

Table 7

Miners' Bank Charter Repeal Scale, Iowa Territory, Council, 1843-1844

Representative	Party	Anti											Pro										
		N ₁	Y ₂	N ₃	N ₄	Y ₅	Y ₆	Y ₇	N ₈	N ₉	Y ₁₀	N ₁₁	N ₁	Y ₂	N ₃	N ₄	Y ₅	Y ₆	Y ₇	N ₈	N ₉	Y ₁₀	N ₁₁
Francis Gehon	D	X	X	X	X	X	X	X	X	X	X	X											
Pleasant Harris	D	X	X	X	X	X	X	X	X	X	X	X											
Shepherd Leffler	D	X	X		X	X	X	X	X	X	X	X			X								
James Jenkins	D			X	X	X	X	X	X	X	X	X	X	X									
Thomas Cox	D					X	X		X	X	X	X	X	X	X	X			X				
Robert Christie	W							X	X	X	X	X	X	X	X	X	X	X					
John Cook	W										X	X	X	X	X	X	X	X	X	X			
Jonathan Elbert	W				X						X	X	X	X		X	X	X	X	X			
William Patterson	D						X					X	X	X	X	X	X		X	X	X		
R. M. G. Patterson	W											X	X	X	X	X	X	X	X	X	X		
Francis Springer	W												X	X	X	X	X	X	X	X	X	X	
Joseph Teas	W												X	X	X	X	X	X	X	X	X	X	
William Wallace	W					X		X					X	X	X	X		X	X		X	X	

Coefficient of reproducibility

Note: D=Democrat, W=Whig, N=Nay, Y=Yea.

^aIssue 1. Nay on a motion by Teas to lay No. 1, H.R. File, "a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," on the table until July 4th next (1844). Yeas-9, Nays-3. Iowa Territory, Journal of the Council, 6th Legislative Assembly, 1843-44, p. 105.

Table 7 (Continued)

- ^bIssue 2. Yea on a motion by Leffler to amend Springer's motion (Springer moved to strike out the title of No. 1, H.R. File, and insert instead "a bill relative to the Miners' Bank of Dubuque") by inserting the following: "A Bill to legalize the suspension and to resuscitate the Miners' Bank of Dubuque." Yeas-3, Nays-10. Iowa Territory, Journal of the Council, p. 96.
- ^cIssue 3. Nay on the question of whether No. 1, H.R. File, as amended by the Council, should pass. Yeas-10, Nays-3. Iowa Territory, Journal of the Council, pp. 95-96.
- ^dIssue 4. Nay on the motion by Springer to amend a motion by Leffler. Leffler moved to insert in the third section of No. 1, H.R. File (as amended by Council), the following: "That the Cashier of the said Bank shall include in the report aforesaid, a statement containing the names of the stockholders, the number of their respective shares, and their respective places of residence, and such statement shall be prima facie evidence of their liability in all cases." Springer moved to amend Leffler's motion by striking out all after the word "residence." Springer's motion approved: Yeas-8, Nays-5. Iowa Territory, Journal of the Council, p. 91.
- ^eIssue 5. Yea on a motion by Leffler to amend Gehon's amendment (see Issue 8) by adding the following: "Provided also, That the said Bank on or before the expiration of one year, shall pay the sum of ten thousand dollars as a bonus to the Territory." Yeas-5, Nays-8. Iowa Territory, Journal of the Council, p. 83.
- ^fIssue 6. Yea on the motion by Gehon to amend No. 1, H.R. File, by adding the following as an additional section: "Sec. _____. That the stockholders of said Bank, before she commences business, shall give to the Territory of Iowa, real estate to the amount of one hundred and fifty thousand dollars, to be held as a security to the note holders of said institution, in case of a suspension of specie payments, or violation of any kind; said real estate

Table 7 (Continued)

to be valued, received and held under the direction of the Governor of Iowa Territory." Yeas-5, Nays-8. Iowa Territory, Journal of the Council, p. 81.

- ^gIssue 7. Yea on the motion by Leffler to amend a motion by Wallace. Wallace moved to indefinitely postpone No. 1, H.R. File (as amended by Council). Leffler moved to amend Wallace's motion by laying said bill upon the table until Monday next. Yeas-6, Nays-7. Iowa Territory, Journal of the Council, pp. 82-83.
- ^hIssue 8. Nay on a motion by Cook to amend a motion by Gehon. Gehon moved to amend No. 1, H.R. File (as amended by Council), by adding the following as an additional section: "Sec. _____. Provided also, that if the said Bank shall at any time import into this Territory any notes of other Banks, and in any way vend the same, of a less denomination than five dollars, or notes of any size that is not equally as good as specie in Dubuque, where the Bank is located, her charter shall be forfeited and their affairs settled as hereinbefore provided for." Cook moved to amend the amendment by striking out "or notes of any size that is not equally as good as specie in Dubuque, where the Bank is located." Yeas-7, Nays-6. Iowa Territory, Journal of the Council, p. 82.
- ⁱIssue 9. Nay on an amendment to No. 1, H.R. File, reported back by a select committee (Teas, Gehon, and Wallace). The amendment was to strike out in the first line of the fourth section the words "President, directors and" and to insert in the third line of the same section after the word "estates" the words "to the amount of their respective shares." Yeas-7, Nays-6. Iowa Territory, Journal of the Council, pp.90-91.
- ^jIssue 10. Yea on a motion by Gehon to amend No. 1, H.R. File (as amended by Council), by adding the following section: "Sec. _____. That the President, Directors

Table 7 (Continued)

and Stockholders of said Bank shall be liable to the note holders in their individual estates, and in case a failure to pay specie at all times, shall be liable to be sued and recovered from at all times and places wherever they may be found." Yeas-8, Nays-5. Iowa Territory, Journal of the Council, p. 81.

^kIssue 11. Nay on a motion by Wallace to indefinitely postpone No. 1, H.R. File. Yeas-4, Nays-9. Iowa Territory, Journal of the Council, pp. 82-83.

Source: Erling A. Erickson, Banking in Frontier Iowa 1836-1865 (Ames: The Iowa State University Press, 1971), pp. 128-129.